

Commonwealth of Massachusetts
ATTORNEY-GENERAL'S REPORT

1901

**EXECUTIVE OFFICE OF
HUMAN SERVICES**

Office of the Secretary
Room 904

100 Cambridge Street
Boston, Massachusetts 02202

Commonwealth of Massachusetts.

REPORT

OF THE

ATTORNEY-GENERAL

FOR THE

YEAR ENDING JANUARY 15 1902

Compliments of the

Attorney-General.

BOSTON :

WRIGHT & POTTER PRINTING CO., STATE PRINTERS,
18 POST OFFICE SQUARE.

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OFFICE OF THE ATTORNEY-GENERAL,
BOSTON, Jan. 15, 1902.

To the Honorable the President of the Senate.

I have the honor to transmit herewith my report for the year ending this day.

Very respectfully,

HOSEA M. KNOWLTON,
Attorney-General.

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Commonwealth of Massachusetts.

OFFICE OF THE ATTORNEY-GENERAL,
Rooms 225 and 226, State House.

Attorney-General.

HOSEA M. KNOWLTON of New Bedford.

Assistants.

FREDERICK E. HURD of Boston.

SPECIAL ASSIGNMENTS. — Land-damage Cases.
Abolition of Grade Crossings.

JAMES MOTT HALLOWELL of Medford.

SPECIAL ASSIGNMENTS. — Metropolitan Water and Sewerage Board.
Harbor and Land Commissioners.
Heads of Departments.

FRANKLIN T. HAMMOND of Cambridge.

SPECIAL ASSIGNMENTS. — Public Charitable Trusts.
Land-damage Cases.

ARTHUR W. DEGOOSH of Cambridge.

SPECIAL ASSIGNMENTS. — Collateral Inheritance Tax.
Land-damage Cases.

FREDERICK H. NASH of Cambridge.

SPECIAL ASSIGNMENTS. — Legislative Committees.
Commissions and State Boards.
Prerogative Writs.
Insurance.

FREDERIC B. GREENHALGE of Lowell.

SPECIAL ASSIGNMENTS. — Extradition and Interstate Rendition.
State Board of Charity.
Corporations.
Collections.

Clerk.

LOUIS H. FREESE of Waltham.

STATEMENT OF APPROPRIATION AND EXPENDITURES.

Appropriation for 1901, \$36,000 00

Expenditures.

For law library, 473 19

For salaries of assistants, 15,600 00

For additional legal services, 826 00

For clerk and stenographers, 4,674 18

For office expenses, 4,819 27

For court expenses,* 3,308 14

Total expenditures, \$29,700 78

Costs collected, 882 93

Net expenditure, \$28,817 85

* Of this amount, \$882.93 has been collected as costs of suits and paid to the Treasurer of the Commonwealth.

Commonwealth of Massachusetts.

OFFICE OF THE ATTORNEY-GENERAL,
BOSTON, Jan. 15, 1902.

To the General Court.

In compliance with Public Statutes, chapter 17, section 9, I submit my report for the year ending this day.

The cases requiring the attention of the office during the year, to the number of 2,349, are tabulated below:—

Bastardy complaints,	4
Collateral inheritance tax cases,	439
Corporate collections made without suit,	249
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Miscellaneous cases,	315
Public charitable trusts,	19
Settlement cases for support of insane paupers,	13

CAPITAL CASES.

Indictments for murder pending at the date of the last annual report have been disposed of as follows : —

LUIGI STORTI of Boston, indicted in Suffolk County, December, 1899, for the murder of Michele Calucci, at Boston, Nov. 7, 1899. He was arraigned Dec. 27, 1899, and pleaded not guilty. Peter S. Maher and Clarence W. Rowley were assigned by the court as counsel for the defendant. On June 25–July 1, 1900, the defendant was tried by a jury before Bond and Lawton, JJ. The result was a verdict of guilty of murder in the first degree. Exceptions were filed by counsel for the defendant, and were argued before the Supreme Judicial Court at Boston, Nov. 19, 1900. The exceptions were overruled Jan. 2, 1901, and on the fourth day of January he was sentenced to death, the time of execution being fixed, under St. 1898, c. 326, to take place during the week beginning April 7, 1901.

On April 9, 1901, in consequence of the severe illness of the prisoner, the Governor, by and with the advice of the Council, respited his sentence, the term of the respite to expire on Saturday, May 11, 1901.

April 13, 1901, the prisoner filed a petition for a writ of habeas corpus and a petition for a writ of error in the Supreme Judicial Court, alleging, among other things, that the punishment of death by electricity was a “cruel or unusual punishment,” within Article 26 of the Massachusetts Declaration of Rights. These petitions were argued together, and the petition for a writ of habeas corpus was denied, and in the petition for a writ of error the judgment of the Superior Court was affirmed. These decisions were rendered May 7, 1901.

May 10, 1901, one day before the expiration of the respite granted by the Governor, the prisoner filed in the Circuit Court of the United States for the District of Massachusetts a petition for a writ of habeas corpus, setting forth substantially the same matters urged in the petition for a writ of habeas corpus before the Supreme Judicial Court of Massachusetts, and some additional matters. This petition was heard by

the Circuit Court on May 11, 1901, and summarily denied. The petitioner thereupon appealed to the Supreme Court of the United States. This appeal was entered a few days before the adjournment of the court for the summer. A motion was made by the Attorney-General to have the appeal dismissed as frivolous; but owing to the requirements of the rules of the court, that three weeks' notice must be given for hearings upon such matters, it was impossible to have the motion entertained before the adjournment of the court. The case, therefore, went over until the October term, and was assigned for argument on the twenty-eighth day of October, 1901. At the beginning of the October term, however, the petition, by agreement of the petitioner, was dismissed.

On the twenty-third day of May, 1901, another petition for a writ of habeas corpus was filed in the Circuit Court of the United States, alleging, among other matters, that no lawful respite had been granted by the Governor. It was heard on the twenty-fourth day of May, 1901, and the petition was dismissed on the ground of want of jurisdiction in the Circuit Court. An appeal was taken by the petitioner to the Supreme Court of the United States. This appeal was argued before the Supreme Court in November, and a judgment dismissing the appeal was rendered in that court on the second day of December, 1901.

Meanwhile, another petition for a writ of habeas corpus was filed by the prisoner in the Supreme Judicial Court of Massachusetts, alleging that St. 1901, c. 520, relating to the custody of convicts under sentence of death, was *ex post facto* legislation, and therefore unconstitutional. This petition was forthwith heard upon its merits before Mr. Justice Loring, and dismissed. The petitioner took an appeal to the full bench of the court. The case was argued on the fourth day of November, 1901, and on the thirteenth day of November, 1901, the full bench confirmed the judgment of Judge Loring and dismissed the petition.

During the pendency of these proceedings respites from time to time were granted by the Governor. These respites were against the objection and protest of the prisoner, who contended that the Governor and Council had no authority

to grant the same. The last respite expired on Dec. 14, 1901, and on the seventeenth day of December, 1901, all legal proceedings having been concluded, — proceedings unprecedented, it is believed, in novelty and character in this Commonwealth, — the prisoner was executed, in pursuance of his sentence. In the proceedings subsequent to the overruling of the first bill of exceptions the prisoner was represented by William H. Stockbridge and G. Philip Wardner.

This was the first execution by electricity under the provisions of St. 1898, c. 328.

FRANCISZEK UMILIAN, indicted in Hampshire County, June, 1900, for the murder of Karimierz Jedrusik, at Granby, Dec. 31, 1899. On June 12, 1900, he was arraigned, and pleaded not guilty. John B. O'Donnell of Northampton was assigned by the court as counsel for the defendant. On Oct. 1, 1900, the defendant was tried by a jury before Sherman and Stevens, JJ. The result was a verdict of guilty of murder in the first degree. Exceptions were filed by counsel for the defendant, and allowed, and argued Jan. 18, 1901. The exceptions were overruled Feb. 28, 1901, and on March 9, 1901, he was sentenced to death, the time of execution being fixed, under St. 1898, c. 326, to take place during the week beginning July 7, 1901. The trial of the case was conducted by John C. Hammond, district attorney.

The execution of sentence was respite from time to time, at the request of counsel for the prisoner, to await the result of the proceedings in the case of Luigi Storti, above recited. The last respite expired Dec. 21, 1901, and the prisoner was executed on the 24th day of December, 1901.

CHARLES ALBERTO of Holyoke, indicted in Hampden County, September, 1900, for the murder of Nathalie Alberto, at Holyoke, Sept. 2, 1900. On Dec. 31, 1900, he was arraigned and pleaded not guilty. James E. Dunleavy and David J. Walsh were assigned by the court as counsel for the defendant. On Oct. 21, 1901, he was tried by a jury before Maynard and Lawton, JJ. The result was a verdict of guilty of murder in the second degree. On Oct. 22, 1901,

the prisoner was sentenced to State Prison for life. The trial of the case was conducted by Charles L. Gardner, district attorney.

HENRY E. PARSONS of Boston, indicted in Suffolk County, July, 1900, for the murder of William T. Hammond, at Boston, June 18, 1900. On Sept. 19, 1900, he was arraigned, and pleaded not guilty. James A. McGeough and Michael J. Dwyer were assigned by the court as counsel for the defendant. On May 6–11, 1901, the defendant was tried by a jury before Sheldon and Pierce, JJ. The result was a verdict of not guilty. The case was in charge of Oliver Stevens, district attorney.

CHARLES R. EASTMAN of Cambridge, indicted in Middlesex County, October, 1900, for the murder of Richard H. Grogan, Jr., at Cambridge, July 4, 1900. He was arraigned Oct. 26, 1900, and pleaded not guilty. Charles W. Bartlett and Samuel J. Elder appeared as counsel for the defendant. On April 22–May 11, 1901, the defendant was tried by a jury before Gaskill and Aiken, JJ. The result was a verdict of not guilty. Up to a short time before the trial the case had been in charge of District Attorney Frederick N. Wier. On the day before the trial was appointed to begin, owing to the illness of the district attorney, the Attorney-General took charge of the case and conducted the trial thereof, assisted by Mr. George A. Sanderson, assistant district attorney.

Indictments for murder, found since the date of the last annual report, have been disposed of as follows :—

THOMAS J. BURNS of Boston, indicted in Suffolk County, in April, 1901, for the murder of Hannah E. Burns, at Boston, March 6, 1901. On May 27, 1901, he was arraigned and pleaded not guilty. James P. Magenis was assigned by the court as counsel for the defendant. On June 3, 1901, he retracted his plea of not guilty, and pleaded guilty of murder in the second degree. The plea was accepted by the Commonwealth, and he was thereupon sentenced to State

Prison for life. The case was in charge of Oliver Stevens, district attorney.

PANFILO SUSSI of Boston, indicted in Suffolk County, in August, 1901, for the murder of Antonio Paolillo, at Boston, July 28, 1901. On Aug. 16, 1901, he was arraigned, and pleaded not guilty. Peter S. Maher was retained by the defendant as counsel. On Oct. 3, 1901, he retracted his plea of not guilty, and pleaded guilty of manslaughter. The plea was accepted by the Commonwealth, and he was thereupon sentenced to State Prison for not more than six and not less than four years. The case was in charge of Oliver Stevens, district attorney.

DANIEL LEARY of Philadelphia, Penn., indicted in Berkshire County, September, 1901, for the murder of James W. Fuller, at Pittsfield, July 17, 1901. Leary was an inmate under sentence of the house of correction at Pittsfield, and James W. Fuller, the man killed, was an officer of that institution. On Sept. 3, 1901, he was arraigned, and pleaded not guilty. Herbert C. Joyner and Joseph Ward Lewis were assigned by the court as counsel for the defendant. On Dec. 2, 1901, the defendant was tried by a jury before Sherman and Aiken, JJ. Experts, both in behalf of the prosecution and of the defence, testified that he was insane, and a verdict was rendered by the jury of "not guilty by reason of insanity." Thereupon, under the provisions of the statutes, he was committed to the Asylum for Insane Criminals. The trial of the case was conducted by Charles L. Gardner, district attorney.

OSCAR W. NELSON of Worcester, indicted in Berkshire County, January, 1901, for the murder of Gustav A. Erickson, at Worcester, Nov. 10, 1900. On Jan. 28, 1901, he was arraigned, and pleaded not guilty. David F. O'Connell and Walter P. Hall were assigned by the court as counsel for the defendant. On Feb. 25-29, 1901, the defendant was tried by a jury before Hopkins and Stevens, JJ. The result was a verdict of murder in the second degree. Exceptions were filed by counsel for the defendant, and were argued

before the Supreme Judicial Court. The exceptions were overruled Nov. 26, 1901, and on March 23, 1901, he was sentenced to the State Prison for life. The trial of case was conducted by Rockwood Hoar, district attorney.

JOHN P. CUMMINGS of Worcester, indicted in Worcester County, May, 1901, for the murder of John F. Reynolds, at Worcester, May 1, 1901. On May 22, 1901, he was arraigned, and pleaded guilty of murder in the second degree. The plea was accepted by the Commonwealth, and on June 15, 1901, he was sentenced to State Prison for life. J. E. Sullivan and John B. Ratigan were assigned by the court as counsel for the defendant. The case was in charge of Rockwood Hoar, district attorney.

ELIZABETH A. NARAMORE of Barre, indicted in Worcester County, May, 1901, for the murder of Ethel M. Naramore, at Barre, on March 21, 1901. On May 23, 1901, she was arraigned, and pleaded not guilty. Fred W. Blackmer was assigned by the court as counsel for the defendant. On May 23, 1901, the defendant was tried by a jury before Gaskill and Lawton, JJ. The result was a verdict of "not guilty by reason of insanity;" whereupon she was committed to the Worcester Insane Hospital for life. The trial of case was conducted by Rockwood Hoar, district attorney.

BENJAMIN H. BROWN of Boston, indicted in Suffolk County, August, 1901, for the murder of Alice M. Crowell, at Boston, on July 21, 1901. On Aug. 16, 1901, he was arraigned, and pleaded not guilty. William A. Morse was assigned by the court as counsel for the defendant. On Dec. 17, 1901, he retracted his plea of not guilty, and pleaded guilty of murder in the second degree. The plea was accepted by the Commonwealth, and he was thereupon sentenced to State Prison for life. The case was in charge of Oliver Stevens, district attorney.

The following indictments for murder are now pending : —

JOHN D. CASSELLS of Springfield, indicted in Hampden County, May, 1901, for the murder of Mary J. Lane, at

Longmeadow, Feb. 26, 1901. On Sept. 5, 1901, he was arraigned, and pleaded not guilty. Stephen S. Taft and Dexter E. Tilley were assigned by the court as counsel for the defendant. On Dec. 30, 1901, the defendant was tried by a jury before Maynard and Hopkins, JJ. The result was a verdict of guilty of murder in the first degree. The defendant has not yet been sentenced. The trial of the case was conducted by Charles L. Gardner, district attorney.

BERNHARD PALZ of Holyoke, indicted in Hampden County, September, 1901, for the murder of Helena Lederer Fahring, at Holyoke, May 15, 1901. On Oct. 2, 1901, he was arraigned, and pleaded not guilty. Stephen J. Taft and T. J. O'Connor have been assigned by the court as counsel for the defendant.

JOHN C. BEST of Saugus, indicted for murder in Essex County, January, 1901, for the murder of George E. Bailey, at Saugus, Oct. 8, 1900. On Jan. 30, 1901, he was arraigned, and pleaded not guilty. James H. Sisk and Nathan D. A. Clarke were assigned by the court as counsel for the defendant. On March 18-28, 1901, the defendant was tried by a jury before Sherman and Fox, JJ. The result was a verdict of guilty of murder in the first degree. Exceptions were filed by counsel for the defendant, which were argued before the Supreme Judicial Court on Jan. 6, 1902. The trial of the case was conducted by the Attorney-General, assisted by W. Scott Peters, district attorney.

JANE TOPPAN of Cambridge, indicted in Barnstable County, December, 1901, for the murder of Mary D. Gibbs, at Bourne, Aug. 12, 1901. On Dec. 6, 1901, she was arraigned, and pleaded not guilty. Fred M. Bixby of Brockton has been assigned by the court as counsel for the defendant.

JANE TOPPAN of Cambridge, indicted in Barnstable County, December, 1901, for the murder of Alden P. Davis, at Bourne, Aug. 8, 1901. On Dec. 6, 1901, she was arraigned, and pleaded not guilty. Fred M. Bixby has been assigned by the court as counsel for the defendant.

JANE TOPPAN of Cambridge, indicted in Barnstable County, December, 1901, for the murder of Genevieve D. Gordon, at Bourne, July 30, 1901. On Dec. 6, 1901, she was arraigned, and pleaded not guilty. Fred M. Bixby of Brockton has been assigned as counsel for the defence.

Originally capital cases were tried before the full bench of the Supreme Judicial Court. In the year 1872 the law was amended so that two justices only of that court should be required to sit. In 1891 the jurisdiction of capital cases was transferred to the Superior Court, but in the statute authorizing the change it was provided that three justices of that court should preside at the trial. Later the number of judges was reduced to two, and so the law now stands.

I see no good reason why the Legislature may not go further, and provide that capital cases shall be tried like other criminal cases, — before a single justice of the Superior Court. The present law is undoubtedly a vestige of the traditional methods of procedure, and is based upon no adequate reasons. Trial before a single justice is the method now in vogue in England, — the country from which our principles of criminal law are derived. It is also the method long since adopted in most States. Wherever it exists, there is no demand for any change. The questions of law to be ruled upon by the court in capital cases are for the most part thoroughly established. They bring of themselves no unusual responsibilities to the court; and, moreover, the prisoner has the right of appeal upon all questions of law, so that his rights are thereby secured.

On the other hand, there are good reasons why the change suggested should be made. It is often difficult to arrange for the presence of two justices. The most of them are constantly occupied during the time of year when courts are usually held, and, in order to arrange for the trial of a capital case, there must be an interruption in the regular work of the court in some county.

It is important, in my judgment, that capital cases should be promptly tried. All unnecessary delays should be avoided. The court has recognized the importance of this fact, and has responded in every instance, as promptly

as circumstances would permit, to the request of the Attorney-General for an early assignment, although the difficulty of arranging for the presence of two justices has caused some unavoidable delays. But if only one judge were required, capital cases could be dealt with much more expeditiously, and without more delays than are incidental to other criminal cases.

Whatever will make justice simple, sure, without delay, without unnecessary formality or hindrance, should be encouraged. In that way, respect for law and confidence in the certainty of its judgment is maintained. I recommend, therefore, that the statutes be amended so that capital trials may be held before one or more justices, instead of before two or more, as the law now is.

THE SUPERIOR COURT.

This court was established in 1859, and originally consisted of a chief justice and nine associate justices. At that time the population of the State was about 1,200,000. To-day the court consists of one chief justice and eighteen associate justices. The population meanwhile has increased to more than 2,500,000. Moreover, the jurisdiction of the Superior Court, during the forty years of its existence, has been proportionately enlarged, until it is the principal trial court of the Commonwealth. The result of the increase, both in the number of cases and in the extent of its jurisdiction, is that to-day in many of the counties the trial of cases before the court is unduly delayed, to the great inconvenience of suitors. I am informed that some members of the bar of the city of Boston have petitioned the Legislature for an increase in the number of judges. I heartily endorse the petition. I recognize the undesirability of making the bench so large as to be unwieldy; but the growth of the Commonwealth cannot be retarded or stopped by limiting the number of judges of the courts.

The first day of the sessions of the court in most of the counties is Monday. There are four exceptions: Suffolk, Barnstable, Dukes County and Nantucket. As to the two island counties, it requires a day's journey for the trial justice to reach the town where the court is held, and those

counties may well be left as they are ; but there is no good reason for having the first day of the session begin on Tuesday either in Suffolk or in Barnstable. It takes one day out of the work of the first week. I recommend that the statutes be so changed that all sessions in those two counties shall begin on Monday.

THE COURT OF LAND REGISTRATION.

This court was established by St. 1898, c. 562, and went into operation Oct. 1, 1898. The purpose of the statute creating the court was to get rid of the cumbersome, expensive and medieval system of registration of deeds which has come down to us from time immemorial, and which in time, by the very accumulation of books must be abolished. From the first this new system has encountered the violent, and sometimes, I am constrained to say, unreasoning opposition of certain classes of the community. Notwithstanding this fact, and although registration by its methods are voluntary, its jurisdiction has constantly increased, until to-day land to the assessed value of over \$2,500,000 has been brought under its jurisdiction, and more than 1,000 certificates of title have been issued. The system has been attacked both in the State and the Federal courts. The jurisdiction of the court has been sustained as constitutional in Massachusetts ; and similar statutes have been sustained in other States. The Supreme Court of the United States has declined to interfere, and has intimated that no appeal would lie to that court excepting in favor of one actually aggrieved by its decrees without notice. Even such an appeal could not result in annulling the decrees of the court excepting as to the party aggrieved. The court would still exist, and its decrees as to all others would be binding.

It has been contended that registration by this court endangers the security of title, especially in the remote contingency that at some future time the law may be pronounced unconstitutional. How absurd this objection is may be better appreciated when it is considered that transfer by deed in common form is not abolished. Every conveyance, of whatever nature, must still be made by deed. The essential difference between the present system and the old

one is that, instead of having the deeds copied into books kept for the purpose, the deed itself is filed in the records of the court; and the further fact that under its decrees possible adverse claimants may be concluded, and the title to the land conclusively established. The only attack upon the court has been as to its ability to guarantee title. Even if that guaranty should fail, the filing of deeds of conveyance in the records of the court, instead of recording them in ponderous books, to be piled up until there is no room to hold them, would of itself justify the existence of the court.

Having thus created an important court of record having possible jurisdiction over all the real estate of the Commonwealth, the Commonwealth, in my judgment, should foster the growth of the jurisdiction of the court, and, so far as may be, relieve the other courts from questions affecting land titles. It can well be, and in my opinion, should be, made the real estate court of the Commonwealth, to the same extent as the probate court has jurisdiction over estates of deceased persons.

To strengthen the hands of the court and increase its jurisdiction, I submit the following recommendations:—

First.—To require savings banks, which are under the jurisdiction of the Commonwealth by virtue of their charters, to cause the title of land of over \$20,000 in value, on which they make loans, to be registered. This is similar to a recommendation I made to a former Legislature.

Second.—To repeal chapter 182 of the Revised Laws. This chapter, which is entitled “Proceedings for the Settlement of Title to Land,” authorizes proceedings in certain cases to be taken in the Superior Court in order to quiet the title to real estate. There is no reason why the Superior Court should be longer troubled with this class of cases, especially as the Commonwealth has created a court whose primary and principal function is to settle such titles. Every one of the petitions authorized by the chapter in question may be brought as well in the Court of Land Registration, and there be more speedily and expeditiously disposed of; and the Superior Court, the docket of which is already overcrowded, will be relieved of that class of liti-

gations. Furthermore, I see no reason why the Legislature may not eventually go further, and require that all actions relating to the title of real estate, such as writs of entry, should be brought in the first instance in the Court of Land Registration.

Third. — At present a general appeal lies from this court to the Superior Court. This right of appeal may well be limited to questions of fact, and to such as are within the discretion of the court, and so guarded that only the particular question as to which the party appealing is aggrieved shall be heard in the Superior Court.

JURY SERVICE.

An experience of more than thirty years has strengthened my conviction that trial by jury is the best method yet devised to ascertain the truth of controversies in matters of fact. There are those, mostly of the class that distrust, because they do not appreciate, the instinctive wisdom of the plain people of the community, who advocate the abolition of this method of trial. I am not one of those. Instead of being abolished, as has been sometimes suggested, I believe rather that the system, by the correction of some existing defects, should be strengthened. I have already had occasion to suggest the evils growing out of the present practice of requiring a long term of service. In many of the counties jurymen once sworn are required to serve many weeks. Such a length of continuous service is oftentimes injurious if not actually disastrous to the business of the jurymen. For this reason ingenious devices are resorted to to escape the performance of jury duty, and the pressure of private business is often accepted as a sufficient excuse by the presiding justice.

Moreover, under the statutes many classes of men whose services would be valuable are permanently exempt. The result is that under existing laws juries are composed of men whose business is so unimportant that it does not suffer by the absence of the jurymen and persons of leisure. The active man of affairs and the professional man are seldom on the panel. This, in my judgment, is wrong. The representative jury should be made up of all classes of citizens,

and especially of that class who bear the burdens of the work of the world. This might be accomplished if the term of service be reduced. There is no good reason why long terms of service should be required of jurymen. It is not a duty to be learned. All the schooling they need is the experience they have gathered in the conduct of their own affairs. They are as competent the first day of the term as they are after weeks of service. Indeed, the most important of all cases, indictments for murder, are usually tried by a jury impanelled for the first time for that special service. I renew a recommendation which I had the honor to submit to a former Legislature, — that the list of exemptions from jury duty be largely reduced, that no excuses excepting actual illness be accepted, and that the term of service of the jurymen be limited to two weeks. No citizen, however important his private affairs, can justly complain if he is called upon to give this brief time to the public service once in three years.

COLLATERAL INHERITANCE TAXES.

In the case of *Hooper v. Bradford, Treasurer*, reported in volume 178 of the Massachusetts Reports, it is decided that a collateral legacy tax is to be computed upon the value of the property as of the day of the death of the decedent.

There are a number of cases pending in which the time for the payment of the tax upon certain legacies has been extended under the provisions of the statute, for the reason that it was impossible to tell, within the two years after the death of the decedent, whether such legacies would vest ultimately in persons who were not exempted from legacy taxes. When such legacies shall vest in possession, there may be difficulty in computing the value of property, if it becomes necessary for the appraisers to ascertain the value of the property under the rule adopted by the Supreme Judicial Court.

In view of this decision and of the difficulties above suggested, I recommend the enactment of a statute similar to that in force in Pennsylvania. That statute provides as follows: "In all cases where there has been or shall be a devise, descent or bequest to collateral relatives or strangers,

liable to the collateral inheritance tax, to take effect in possession, or come into actual enjoyment after the expiration of one or more life estates, or a period of years, the tax on such estates shall not be payable, nor interest begin to run thereon, until the person or persons liable for the same shall come into actual possession of such estate, by the termination of the estates for life or years, and the tax shall be assessed upon the value of the estate at the time the right of possession accrues to the owner as aforesaid: *provided*, that the owner shall have the right to pay the tax at any time prior to his coming into possession, and, in such cases, the tax shall be assessed on the value of the estate at the time of the payment of the tax, after deducting the value of the life estate or estates for years."

Such a law is also in force in New York.

EVIDENCE IN LAND-DAMAGE CASES.

In this class of cases it is permitted to aid the jury in arriving at the cost of property taken by the estimation of expert witnesses called for the purpose; but under the existing rules of law one appraisal, the best known to the community, the most impartial and perhaps the most universally relied upon, is excluded. I refer to the valuations of the sworn assessors of the city or town in which the land lies. These are valuations made by impartial officers, duly sworn, and whose judgments are made a matter of record. Those records are now inadmissible in evidence. The assessors may, it is true, be summoned to testify; but this is inconvenient, and imposes an unnecessary burden upon them.

I recommend that provision be made by statute in all land-damage cases authorizing the introduction by either party of such sworn valuations as evidence, to be considered by the jury, in connection with the other evidence in the case. I have little doubt the assessors' valuations would in many if not in most cases be relied upon by the jury in preference to the evidence of paid experts, almost always, and inevitably, though honestly, partial to the party employing them.

OFFICE OF THE ATTORNEY-GENERAL.

As will be seen by the table contained in this report, the number of cases requiring attention during the past year was 2,349. Last year the number was 1,801. In 1894, the first year of my incumbency of the office, the number was 549. The basis of enumeration is the same each year. It thus appears that the volume of business receiving the attention of the office has increased more than four-fold in the last eight years, and that the increase even in the last year has been very material.

This increase has necessitated the appointment of an additional assistant, and accordingly Mr. Frederic B. Greenhalge of Lowell was appointed, and entered upon the discharge of his duties on the first day of October.

In 1879 the salary of the Attorney-General was established at \$5,000, and this is the present salary of the office. Meanwhile, the business, as I have shown, has enormously increased. I have for some time been of the opinion that the present salary is inadequate to the importance of the duties performed; but, having been re-elected, did not hitherto deem I was justified in recommending an increase in my own favor. That reason no longer exists. The number of assistants, it is true, has been increased from two to six; but, notwithstanding this fact, the amount of the work which of necessity devolves upon the Attorney-General personally is very much greater than when I was first elected to the office. It is, I think it will be conceded, proper that the salary of the Attorney-General should approximate the salaries of the justices of the Supreme Judicial Court, whose principal officer he is. Their salaries have recently and very justly been increased. A similar increase should be made in the case of the Attorney-General; and I so recommend.

Appended to this report are printed the principal opinions prepared during the current year.

Respectfully submitted,

HOSEA M. KNOWLTON,
Attorney-General.

OPINIONS.

Commonwealth's Land — Deed — Restriction.

Where deeds from the Commonwealth to certain grantees of land formerly belonging to the Commonwealth contain the stipulation that buildings erected thereon "shall not, in any event, be used . . . for any mechanical or manufacturing purposes," any use of the estates in question for other than residential purposes would be a violation of the restriction.

JAN. 2, 1901.

Hon. WOODWARD EMERY,

Chairman, Board of Harbor and Land Commissioners.

DEAR SIR:— I have your letter of the 26th, submitting to this office certain questions with regard to the construction of the stipulations in the deeds of the Commonwealth that buildings erected upon the Back Bay "shall not, in any event, be used for a stable, or for any mechanical or manufacturing purposes."

It is stated in your letter that the specific inquiry arises from a request by certain property owners who desire to learn "whether they may lease their houses and premises, without violating the stipulations aforesaid, for any of the following purposes: first, for decorating of pottery, with a furnace in the cellar for baking it; second, for a boarding-house, on condition of placing a small power engine for elevators and steam laundry apparatus, with the privilege of extending the business of the laundry; third, as a tailoring establishment, with a small power engine for elevators and to run the sewing machines on all the floors."

I am of the opinion that any use of the estates in question for other than residential purposes would be a violation of the stipulations in the deed. Such a use of the premises does not exclude the use of engines, boilers and machinery, so far as they may properly be employed in connection with the use of the house as a residence; otherwise, if for purposes of trade or business.

If the proposed uses, as above quoted, are for the carrying on of a business, and not incidental, merely, to the use of the house as a residence, they come within the spirit of the stipulation and are barred by its terms.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

State Contracts — Regulations regarding Award — Preference of Home Industries.

With the exception of Pub. Sts., c. 221, §§ 54-58, there are no laws, rules or regulations in regard to the awarding of State contracts.

There is no law containing any provision for the preference of home industry, in case some manufacturer of another State of the Union, or a foreign firm, offers the lowest bid.

JAN. 4, 1901.

To His Excellency W. MURRAY CRANE, *Governor*.

DEAR SIR:— I have the honor to acknowledge the receipt of the letter written to you by George de Szögyéný, submitting certain inquiries in regard to contracts for public works and also the employment of labor therein.

1. I know of no laws, rules or regulations relating to the awarding of State contracts for the construction of and repairs upon public buildings, or for supplying the different articles of manufacture needed by the different departments and by the State militia, excepting Pub. Sts., c. 221, §§ 54-58. These in substance provide that contracts on account of the prisons of the Commonwealth shall be made with the warden, in writing, subject to the approval of the Prison Commissioners, and, further, that when, in the opinion of the commissioners, it can be advantageously done, the principal articles purchased for the use of the prisons shall be contracted for by the year, and that public notice shall be given of the articles needed, the quality and quantity thereof, and the time and manner of delivery; such proposals to be in writing and sealed. "The persons offering the best terms, with satisfactory security for the performance, shall be entitled to the contract, unless it appears to the commissioners that it is not for the interest of the state to accept any of the proposals," in which case no offer shall be accepted; and the warden shall thereupon proceed to make contracts in such way as can best be done for the interests of the Commonwealth.

The foregoing answers the inquiry submitted, which relates only to State contracts. I may, however, add that a statute enacted in the year 1887 regulates with much particularity contracts made by counties.

2. There is no law containing any provision for the preference of home industry, in case some manufacturer of another State of the Union or a foreign firm offers a lower bid.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

*Board of Harbor and Land Commissioners — Authority to establish
Boundary Lines in Tide Waters.*

The Board of Harbor and Land Commissioners is not authorized, under St. 1881, c. 196, § 1, to establish boundary lines in tide waters between towns created after the passage of such statute.

FEB. 1, 1901.

DESMOND FITZGERALD, Esq., *Chairman, Topographical Survey Commission.*

DEAR SIR:—I am of opinion that St. 1881, c. 196, § 1, does not give the Board of Harbor and Land Commissioners authority to establish boundary lines in tide waters between towns created after the passage of the act. If this be so, the Board has no right to establish the line between Bourne and Sandwich, the town of Bourne having been created after the passage of the act, and legislative action is necessary to establish such line.

No controversy arises upon the Buzzard's Bay side, the line having been fixed by the Legislature. I may add that it would be absurd to suppose that the Legislature intended to permit any part of the shore line of Bourne to remain in the jurisdiction of Sandwich, notwithstanding the set-off of the town of Bourne.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Dogs — Injury to Domestic Animals — "Worrying."

Under Pub. Sts., c. 102, § 98, as amended by St. 1889, c. 454, providing compensation for loss "by the worrying, maiming, or killing" of domestic animals by dogs, any sort of attack by a dog, intended to frighten a domestic animal, is "worrying" within the meaning of the statute.

FEB. 1, 1901.

CHARLES R. PRESCOTT, Esq., *Controller of County Accounts.*

DEAR SIR:—Your letter of January 3 states the following case: a man was driving a horse on the highway when a dog suddenly ran out and barked at the horse, causing him to rear, and when the horse's foot came down, one of his legs was broken, so that it became necessary to kill him.

The opinion of the Attorney-General is required upon the question whether, upon these facts, the county is liable for damages for the killing of the horse, under the provisions of Pub. Sts., c. 102, § 98, as amended by St. 1889, c. 454.

The statute provides that whoever suffers loss by the worrying, maiming or killing of his sheep, lambs, fowls or other domestic animals, by dogs, may inform the officer of police; and that there-

upon appraisers shall be appointed to appraise the damage, and that a certificate of the damages found shall be returned to the county treasurer, and the treasurer shall submit the same to the county commissioners, who, after examination, shall issue an order upon the treasurer for all or any part thereof as justice and equity may require.

It is settled that a horse is a domestic animal within the meaning of this statute. *Osborn v. Selectmen of Lenox*, 2 Allen, 207. Whether the act of the dog in the case in question could be characterized as "worrying," within the meaning of the word as used in the statute, is a more difficult question. Undoubtedly the meaning of the word as defined by lexicographers imputes seizing and biting. In *Osborn v. Lenox* the horse was bitten by the dog, and no question as to whether the acts of the dog constituted "worrying" arose.

I am of opinion, however, that any sort of attack by a dog, intended to frighten a domestic animal, is "worrying," within the meaning of the statute. It is not necessary to the remedial purpose of the statute that injuries for which compensation is to be made be limited to those caused by actual seizing and biting. Indeed, in the case of some animals, as, for example, fowls, such a limitation of the purpose of the meaning of the statute would entirely defeat its purpose. The same word in statutes of other States has been held to mean "running after, chasing, and barking at" *Marshall v. Blackshire*, 44 Ia. 475. See also *Campbell v. Brown*, 1 Grant (Pa.), 82; *Johnson v. McConnell*, 80 Cal. 545.

I am of opinion, therefore, that the claim in question was one which could properly be allowed under the statute.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

*Insurance — Change from Assessment to "Old Line" Business —
Lien on Policy — Reserve — Asset.*

Where an insurance company, in changing from an assessment to a level premium business, enters into an agreement with the insured, by which the latter exchanges an assessment for a new level premium policy, as of the date of the original insurance, giving to the company a lien upon the new policy for the amount of the reserve which would have accumulated if such policy had been taken out at the time when the assessment insurance was taken, the amount of the lien is not an asset of the company, and is not to be credited to it as such.

It is therefore the duty of the Insurance Commissioner to regard the contract as a contract of insurance for the face value of the policy, less the amount of the lien created thereon.

FEB. 1, 1091.

HON. FREDERICK L. CUTTING, *Insurance Commissioner*.

DEAR SIR :— Your letter of January 4, after quoting St. 1900, c. 363, providing that the Insurance Commissioner shall annually compute the reserve liability of insurance companies and examine the financial status of such companies, states that certain insurance companies which, under the laws of Massachusetts, have been compelled to change from assessment to level premium business, have attempted to meet the difficulties arising from such change in the following manner :—

No reserve was accumulated during the continuance of the assessment policies; and if such policies were to be exchanged for level premium policies with the rate of premium fixed as of the age when the original policy was taken out, the companies would not have, and could never accumulate, a reserve sufficient to protect the policy under the requirements of the Massachusetts statutes. Accordingly, at the time of such exchange they induced the insured to enter into an agreement by which the company was given a lien upon the new policy for the amount of the reserve which they ought to have on hand, regarding the level premium policy as having been taken out at the time the assessment insurance was placed.

The result of this arrangement is that a policy, for example, which is nominally for \$1,000, has charged against it, by the assent of the insured, a sum of money (say, for example, \$300) representing the amount of reserve which the company should have on hand, assuming it to have been taken out when the assessment insurance policy was originally taken out.

The question submitted by your letter is whether you shall, as contended by such companies, compute the amount of insurance outstanding at the face value of the policy, and include among the assets the liens in question.

The face value of the policy is reduced by the exact amount of the lien so created; so that, in the supposed case above stated, it becomes, in effect, a contract for \$1,000 less \$300. This, obviously, is nothing more than a contract to pay \$700. The policy should, therefore, be regarded, for the purposes of your valuation, as a policy for \$700. It follows that the amount of the lien is not an asset in the hands of the company, and is not to be credited to it as such.

It is contended by the companies that the transaction in question is, in effect, a loan upon the security of the policy, and that it is to be so regarded in your computation. The difference, however, between such loans and the arrangement in question

illustrates and confirms the soundness of the views I have expressed.

The real face of a policy of insurance is the amount which the company would be bound to pay if the insured should die the day the policy is taken out. This amount is not varied by subsequent arrangements between the insured and the company. If, therefore, after the policy is written and delivered, the company makes a loan, it does not diminish the face of the policy and has no effect upon the valuation.

But, under the arrangement in question, the policy in its inception is insurance, not for the face value of the policy, but for the net amount after deducting the amount of the lien. Real loans are assets because the company's liability is diminished by the amount of each loan; but these alleged loans are not assets because the company was never liable for them.

I am of opinion, therefore, that it is your duty to decline to inflate the two sides of the account by taking the face of the policy, upon the one hand, and regarding the lien as an asset, upon the other hand; but that you are to regard the contract what it is in fact, to wit, insurance for the face of the policy less the amount of the lien created thereon.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Firemen — "Firemen's Relief Fund" — Persons impressed into Service of Regular Fire Department.

Persons who have been impressed into the service of a regular organized fire department of a city or town, and receive injuries while in the performance of the duties required of them, are not entitled to relief under the provisions of St. 1892, c. 177, relating to the "Firemen's Relief Fund."

FEB. 5, 1901.

J. C. CROMBIE, Esq.,

Chairman, Board of Commissioners of the Firemen's Relief Fund.

DEAR SIR:— Your letter of January 21 requires my opinion upon the question whether certain persons referred to in the papers annexed to the letter are entitled to relief under the provisions of St. 1892, c. 177, relating to the Firemen's Relief Fund, of which your Board has the disbursement.

It appears by the documents submitted that a disastrous fire occurred in Foxborough in June last. Foxborough is a town which had at the time an organized fire department. Some of the regular members of the fire department were absent, and in consequence

of the fierceness of the fire the men in question were impressed into the service by the engineers, and received their injuries while performing the duties of firemen.

The chapter in question provides, in section 2, that the fund shall be used "for the relief of firemen." It provides further, in section 4, that members of incorporated protective departments shall be eligible for benefits as well as "any person doing fire duty at the request or upon the order of the authorities of any town having no organized fire department."

It is obvious that the word "firemen" in the first section does not mean any person who is engaged in extinguishing a fire. Otherwise, there would have been no occasion for the language above quoted in the fourth section, which includes, in addition to "firemen," persons doing fire duty where there is no organized fire department. It follows that the meaning of the word "firemen" must be sought in the statutes.

Pub. Sts., c. 35, §§ 28-39, inclusive, authorize the selectmen of a town to establish a fire department, and provide for the method of creating the same. Section 31 limits the number of men to be employed on the several engines, hose carriages, and hook and ladder carriages, as well as in each fire company. These companies, by section 32, may organize, elect officers, establish rules and regulations, and annex penalties for the breach of the same. They may also have certain exemptions from other public duties, such as jury duty (Pub. Sts., c. 170, § 2). These rights and privileges are doubtless conferred in consideration of the fact that they have volunteered to hold themselves in readiness at all times, seasonable or unseasonable, to perform what may often be a hazardous and difficult task.

I see no reason to doubt that the purpose of the statute establishing the Firemen's Relief Fund was further to recognize their services by compensating them for injuries received in the performance of their duty. It was the intent of the Legislature to encourage men to enlist in organized fire departments by holding out the inducement of compensation.

It is otherwise with one who is impressed into service, upon a single occasion, and who has not chosen to connect himself regularly with the fire department. It seems to have been the purpose of the Legislature carefully to exclude such persons and to extend the relief provided by the statute only to regular members of the fire department, where there is a fire department; the only exception being in favor of persons doing fire duty in towns where there is no such organized fire department. I am led to the conclusion, therefore, that however meritorious the services of the persons in

question may have been, they are not entitled to relief from the fund in charge of your Board.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

*Board of Harbor and Land Commissioners — Cape Cod Canal —
Approval of Plans.*

The charter of the Cape Cod Canal, St. 1899, c. 448, § 4, imposes upon the Board of Harbor and Land Commissioners the duty of determining in what manner the canal shall be constructed, including all questions relating to locks, tide-gates and other such structures.

FEB. 11, 1901.

HON. WOODWARD EMERY,

Chairman, Board of Harbor and Land Commissioners.

DEAR SIR:—The charter of the Cape Cod Canal, St. 1899, c. 448, provides in section 4 that the corporation shall file with your Board “a plan of the proposed location and a plan of the proposed construction thereof.” It is the duty of the Board thereupon to hear the parties, require such modification, if any, as it may desire, and to approve the plans as filed or as modified.

Section 6 provides that the joint Board of Harbor and Land Commissioners and the Railroad Commissioners shall “determine at what point or points the railroad of the old Colony Railroad Company shall cross said canal by a drawbridge or bridges, or by a tunnel or tunnels constructed under said canal.” The section further provides that the canal company shall construct its canal “with such structures and appliances for its protection and use as said joint Board may order, together with such bridge or bridges, tunnel or tunnels, ferries and changes of highways, under the supervision of said joint Board, as shall be in accordance with the plans approved by them and in conformity with such orders as they may make.”

The precise question submitted by your letter of February 5 is as follows: “Should this Board, under section 4, approve a plan of construction which did not include a lock, or locks, or gates, would it be in the power of the joint Board, under section 6, to order such structures to be built?”

I very much doubt whether your Board has the right to my opinion upon the question submitted. It is rather for the joint Board, if a situation shall arise before that Board which will make it material. But it may not be amiss for me to submit my views as to the duty of your Board under section 4, above quoted. It

imposes, in my opinion, upon your Board the duty of determining in what manner the canal shall be constructed. This includes all questions relating to locks, tide-gates and other such structures. You are to have in view the use of the canal for purposes of navigation, and to determine what method of construction will be the safest and most convenient in view of all the facts and probabilities, including the probable rate of tide in the canal, and how far its current may make navigation dangerous if unrestrained by structures intended to prevent such movement.

You have no means of knowing, of course, whether the joint Board will order the crossing in question to be effected by a tunnel or a bridge, but I assume that it is not unreasonable for you to anticipate that bridges, either for the railroad or for highways, will be necessary. In all events, the question of such probability is before you, and it is your duty to order the construction of the canal in such manner as will provide for all these circumstances and probabilities. The determination, therefore, of the question of locks and gates is confided to the discretion of your Board.

The obvious purpose of section 6 is to submit to the joint Board all questions concerning the crossing of the canal by the railroad company. These questions are submitted to the joint Board rather than to your Board, for the reason that they involve on the one hand the considerations affecting railroad transportation, and those affecting navigation on the other.

The precise question whether the joint Board will have jurisdiction to order the construction of locks, in case you shall have approved plans which do not call for such structures, is one which does not concern, in my judgment, your duty under section 4, and which may well be determined when, if ever, it arises.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Savings Banks — Authorized Investments — Guaranty.

An agreement to purchase first mortgage bonds for their face value at the time and place of the maturity of such bonds is not equivalent to a guaranty, as required by St. 1894, c. 317, § 21.

FEB. 12, 1901.

HON. STARKES WHITON,

Chairman, Board of Commissioners of Savings Banks.

DEAR SIR: — Among the investments by savings banks in this Commonwealth authorized by St. 1894, c. 317, § 21, are the first mortgage bonds of certain railroad companies, “guaranteed” by certain other railroad companies (paragraph b).

What professes to be the guaranty of a bond by a railroad company coming within the description of the act is, in terms, an agreement to purchase the bond at its face value at the time and place of the maturity of the bond. The question submitted by your Board is whether this agreement is equivalent to a guaranty.

I have already advised your Board (1 Opinions of Attorney-General, 149) that any agreement which is equivalent in law to a guaranty is within the spirit of the statute. I am unable, however, to interpret the agreement in question as equivalent to a guaranty. The essence of the agreement is time and place, whereas a guaranty is not so limited. If the holder of the bond fails to present it for purchase on the day and at the place named in the agreement, the promisor is thereafterwards discharged. It would be otherwise as to a guaranty.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

*Cape Cod Canal — Harbor and Land Commissioners — Locks —
Jurisdiction of Joint Board.*

Under the provisions of the charter of the Cape Cod and New York Canal Company (St. 1899, c. 448), the jurisdiction of questions of location and construction is confided to the Board of Harbor and Land Commissioners; the joint Board of Harbor and Land Commissioners and Railroad Commissioners, therefore, has no jurisdiction over the question of locks, except in the matter of the crossing of the canal by the Old Colony Railroad Company, as provided in section 6.

April 6, 1901.

HON. JAMES F. JACKSON, *Chairman, Board of Railroad Commissioners*.

DEAR SIR: — Your letter of March 14 states that the plans of the Boston, Cape Cod and New York Canal Company have been approved by the Board of Harbor and Land Commissioners, in accordance with the provisions of the charter of the company (St. 1899, c. 448, § 4), and are now before the joint Board of Harbor and Land Commissioners and the Railroad Commissioners for action by the Board under the provisions of section 6 of the same statute. Your letter further states that the Board of Harbor and Land Commissioners approved the plans "without having determined the necessity of locks," and requires the opinion of the Attorney-General upon the question whether, in view of that fact, the joint Board has jurisdiction of the question of locks.

The jurisdiction of the joint Board is, in my judgment, in no way dependent upon the action of the Board of Harbor and Land

Commissioners. The charter in separate sections (4 and 6) clearly points out the duties devolving upon each Board, and the authority and responsibility of each Board is to be found in those provisions. Yours is not a board of appellate but rather of original jurisdiction.

In a letter to the Board of Harbor and Land Commissioners dated Feb. 11, 1901, I pointed out what appeared to me to be the duties of that Board in these words: "You are to have in view the use of the canal for purposes of navigation, and to determine what method of construction will be the safest and most convenient in view of all the facts and probabilities, including the probable rate of tide in the canal, and how far its current may make navigation dangerous if unrestrained by structures intended to prevent such movement."

To these views, after the re-examination made necessary by the request of your Board for an opinion, I still adhere. The scheme of the statute, although not always expressed in the clearest terms, appears to me to be as follows: the company chartered must, within four months, file with the Harbor and Land Commissioners a plan of the proposed location and "a plan of the proposed construction thereof." I see no reason to doubt that the word "construction" necessarily includes and was intended by the Legislature to include all things appertaining to the construction of the canal, including the question of locks, which, I take it, is one of the most important questions touching the construction of a canal.

Before filing such plans the company must deposit with the Treasurer of the Commonwealth the sum of two hundred thousand dollars, to be held as security for the payment of damages occasioned by the taking of land. If the plans are not approved by the Board of Harbor and Land Commissioners, or if the modifications ordered by them are not acceptable to the company, it may withdraw its deposit and forfeit its rights under the charter (section 23). But if, on the other hand, it is content with the plans of location and construction as finally approved by the Harbor and Land Commissioners, the deposit cannot be withdrawn, and whatever future action the company may take, its deposit must remain in the treasury.

It is apparent, therefore, that the question of the approval of the plans by the Harbor and Land Commissioners is one of vital importance to the company. If, for example, the plans as finally adopted by that Board require a method of construction which, in the opinion of the company, is too expensive to be profitable, the opportunity is given it to abandon its project and receive its money back. It has a right, therefore, to know, before going further, just what is required of it in the way of location and construction.

Furthermore, the jurisdiction of the question of location and construction is confided to a Board which is presumed to be especially familiar with that subject, and which can adequately represent the interests of the Commonwealth and of the public. It is the duty, therefore, of the Harbor and Land Commissioners to settle all questions of construction, with one exception. That exception is the matter of the crossing of the canal by the railroad company. The jurisdiction of this question is given to a joint Board, consisting of the Railroad Commissioners on the one hand and the Harbor and Land Commissioners on the other; it being presumed that conflicting questions between the railroad and the canal are properly submitted to such a tribunal. Section 6, therefore, provides that such joint Board shall "determine at what point or points the railroad of the Old Colony Railroad Company shall cross said canal by a drawbridge or bridges, or by a tunnel or tunnels constructed under said canal." Such joint Board, after due notice, "shall determine said questions, and the decision of a majority of said joint board shall be final. Said canal company shall construct its canal with such structures and appliances for its protection and use as said joint Board may order, together with such bridge or bridges, tunnel or tunnels, ferries, and changes of highways, under the supervision of said joint Board, as shall be in accordance with plans approved by them."

All questions, therefore, which may arise concerning the manner of the crossing of the canal by the railroad company, and they only, are within the jurisdiction of the joint Board.

The determination of these questions may incidentally involve the further question whether, for the protection of the canal on the one hand or the railroad on the other, locks may be required, and it is in that aspect only that your Board has to determine any question concerning locks. Questions of navigation, of the velocity of the tide, and all other matters incidental to the question of the necessity of locks, are presumed to have been determined by the Board of Harbor and Land Commissioners before the plans come to your Board.

I do not forget that the words above quoted, "said canal company shall construct its canal with such structures and appliances for its protection and use as said joint Board may order," taken alone, might seem to give original jurisdiction to your Board of the question of locks. But I cannot believe the Legislature intended a divided responsibility. As I have already said, each Board has its own duties in the matter. Your Board is concerned only with the crossing of the railroad, and the words "structures and appliances" must be taken in connection with the rest of the

section to refer only to the matters to which the section, as a whole, relates. This is still more apparent from the fact that after action by the Board of Harbor and Land Commissioners, the company, having elected to proceed, is not at liberty to withdraw and to receive back its deposit. It is not to be presumed that the Legislature having once given an opportunity to the company to take back its deposit and withdraw from the enterprise, if the conditions as to construction imposed by the Board having jurisdiction of the matter are too onerous, should authorize another Board to re-impose the same conditions, when the time for withdrawal has elapsed.

I am of opinion, therefore, that the question of locks is not before your Board excepting so far as the necessity of them may arise in consequence of the method of crossing by the railroad company determined upon by the Board may require structures for the protection of the canal and of the railroad company.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Street Railways — Transportation of Letter Carriers — Constitutional Law.

St. 1897, c. 500, § 10, providing that the Boston Elevated Railway Company may establish a five-cent fare, and that such fare shall not be reduced by the Legislature for a period of twenty-five years, constitutes a contract between the Commonwealth and the company. A bill, therefore, requiring all street railways within the Commonwealth to furnish transportation to letter carriers on duty, upon payment to such companies by the United States of a fixed annual allowance, would be unconstitutional, if it reduced fares below five cents, in so far as it related to the Boston Elevated Railway Company, as a law impairing the obligation of contracts.

APRIL 12, 1901.

HON. RUFUS A. SOULE, *President of the Senate*.

DEAR SIR: — I have the honor to acknowledge the receipt of a copy of an order adopted by the honorable Senate on the tenth day of April inst., requiring the opinion of the Attorney-General upon the constitutionality of the bill relative to the transportation of letter carriers by street railway companies (printed as House document No. 257), as amended by the Senate.

The copy of the bill submitted in substance requires street railway companies operating within the Commonwealth to furnish transportation to all letter carriers of the United States while in uniform and in the performance of their duties, upon the payment each year, to the company or companies furnishing said transporta-

tion, by the United States, of an amount equal to the so-called "standing allowance for car fare," as determined for the postal fiscal year ending June 30, 1901 (plus any additional sum that may be hereafter granted).

No statement of facts accompanies the order. I presume, however, I am expected to assume that if the bill becomes a law, its provisions will require transportation of letter carriers at a rate less than that collected from ordinary passengers; for if the sum allowed by the United States is equal to or greater than the revenue derived by street railway companies from transportation of letter carriers, no possible constitutional question can arise. In that event, indeed, there would seem to be no occasion for the passage of the act.

St. 1897, c. 500, § 10, provides that the Boston Elevated Railway Company, which is the lessee of the West End Street Railway Company, "may establish and take a toll or fare which shall not exceed the sum of five cents for a single continuous passage in the same general direction upon the roads owned, leased or operated by it; and this sum shall not be reduced by the Legislature during the period of twenty-five years from and after the passage of this act." A proviso follows which, however, is not material to the question submitted. This section, in my judgment, amounts to a contract between the Commonwealth and the Boston Elevated Railway Company, and that (excepting under the terms of the proviso referred to) the Legislature may not, during the term named in the statute, lawfully reduce fare below the sum of five cents fixed by the statute, without violating the provision of the United States Constitution (article 1, section 10), which forbids a State to pass a law impairing the obligation of contracts.

I am of opinion, therefore, that the bill, so far as it concerns the Boston Elevated Railway Company, is unconstitutional.

I apprehend that as to other street railways within the Commonwealth the question of the constitutionality of the bill turns upon two propositions, to wit: first, whether the bill, if it becomes a law, will result in reducing the earnings of the company to such an extent that it will operate to deprive them of their property without due process of law within the meaning of the Fourteenth Amendment of the Constitution of the United States; and second, whether it denies the equal protection of the laws guaranteed to citizens in the same amendment by discriminating in favor of a certain class.

In 1900 a statute (chapter 197) was enacted by the Legislature requiring the transportation of scholars of the public schools for one-half of the rate charged to other passengers. A proceeding

has been begun in the Circuit Court of the United States to test the constitutionality of this statute upon the grounds above stated. I have appeared in behalf of the Commonwealth, and the case is still pending and undetermined. The circumstances of that case are not in all respects the same as those which would arise under the bill now submitted, but in general the determination of the questions raised will depend upon the same considerations.

It will be my duty in that case to contend before the court that the statute is constitutional. I am not, therefore, in a position to consider the question with that degree of impartiality which should be required of the Attorney-General in advising your honorable body upon questions of law. For these reasons, I beg to be excused from answering the questions submitted, so far as relates to a railway company other than the Boston Elevated Railway Company before the determination by the court of the case now pending.

I have the honor to be,

Very respectfully,

HOSEA M. KNOWLTON, *Attorney-General*.

Street Railways — Common Carriers of Goods — Constitutional Law.

Legislation authorizing street railway companies to use their tracks in the public highway as common carriers of goods, wares and merchandise imposes no new servitude upon the owner of the fee of such highway, and is therefore constitutional.

APRIL 23, 1901.

HON. RUFUS A. SOULE, *President of the Senate*.

DEAR SIR: — I have the honor to acknowledge the receipt of an order adopted by the honorable Senate on the 18th inst. requiring the opinion of the Attorney-General as to the constitutionality of legislation which authorizes street railway companies to use their tracks in the public highways as common carriers of goods, wares and merchandise. The only question involved is whether such use of the tracks is a servitude not included in the original taking of the street for a public highway. If it was not so included, then the tracks could not be so used without additional compensation to the owner of the fee of the street.

It has been determined by the Supreme Judicial Court in *Pierce v. Drew*, 136 Mass. 75, that the erection and use of a line of electric telegraph upon a public way, and in *Howe v. West End Street Railway Company*, 167 Mass. 46, that the maintenance of an electric railway operated by the overhead trolley system used for the

carriage of passengers, are among the servitudes to which the land of the owner becomes subject in consequence of the original taking for the highway. In *White v. Blanchard Co.*, 178 Mass. 363, the construction and use of a horse railroad for freight purposes on a highway was held not to entitle the owner of the fee in the street to damages. In the opinion in *Howe v. West End Street Railway Company*, it was said by Chief Justice Field that "the use made of a public way in the operation of an electric railway is of the same general kind as that for which the way was originally laid out, to wit, the transportation of persons and things from place to place along the way."

Following the authority of these decisions, which, in my judgment, are decisive of the present inquiry, I am of opinion that legislation authorizing street railway companies to use their tracks in the public highway as common carriers of goods, wares and merchandise would be constitutional.

I have the honor to be,

Very respectfully,

HOSEA M. KNOWLTON, *Attorney-General*.

Constitutional Law — Rate of Wages on Public Works — Cities and Towns.

The Legislature may provide that whenever the Commonwealth, or any county therein, enters into a contract with any person, firm or corporation, for the doing of public work of any nature, it shall be stipulated that such person, firm or corporation shall pay employees no lower rate of wages per day than is paid by the Commonwealth, or by such county, for similar work; but such a provision, as affecting cities and towns, would be unconstitutional, and cannot be cured by making the provision operative only upon acceptance by a majority of the voters of such cities and towns.

APRIL 24, 1901.

Hon. JAMES J. MYERS, *Speaker, House of Representatives*.

DEAR SIR:—I have the honor to acknowledge the receipt of a copy of an order adopted by the House of Representatives March 20, 1901, requiring the opinion of the Attorney-General upon the question whether the several provisions of House bill No. 123 are in accord with the Constitution of the Commonwealth and of the United States. The bill in question provides, in substance, in section 1, that whenever the Commonwealth, or any county, city or town therein, enters into a contract with any person, firm or corporation for the doing of public work of any nature, it shall be provided in said contract that such person, firm or corporation shall pay his or their employees no lower rate of wages per day than is

paid by the Commonwealth for similar work, in case said contract is made by a county, city or town. Section 2 fixes certain limitations as to the hours of labor to be required by contractors under the same circumstances. Section 6 provides that the act shall not take effect, as to contracts made by the Commonwealth, until its acceptance by the voters of the Commonwealth; and as to contracts made by the city or town, it shall not take effect unless accepted by a majority of the voters of such city or town.

I see no reason to doubt that, so far as the act applies to contracts made under the authority of the Commonwealth, it is constitutional. The State as a sovereign may undoubtedly regulate the terms upon which its agents shall employ labor. No question can arise as to the rights of the contractor, for he is under no obligations to contract. If he does, he must submit to the terms imposed by the other party to the contract, to wit, the Commonwealth or its agents.

The same considerations undoubtedly govern the question of the constitutionality of the statute so far as it applies to counties. They have no other powers, rights or duties than are conferred by the Legislature which creates them. They are mere political divisions established for the more convenient administration of the government of the Commonwealth.

I am of opinion, therefore, that so far as the act relates to the Commonwealth and to the counties of the Commonwealth it does not violate any provisions of the State or the Federal Constitution.

A far different question, however, arises as to so much of the bill as relates to cities and towns. These provisions fix an arbitrary price to be paid for labor by contractors for city or town work. They also limit the hours of labor to be required by such contractors. I assume that the price so fixed may be in excess of the market price of such labor; and that the hours of labor so established are less than those usually fixed by private contracts. Otherwise there would seem to be no occasion for the passage of the bill.

If, therefore, the bill becomes a law, it will prohibit municipalities from exercising that freedom of contract which is enjoyed by other corporations and individuals; it will operate to increase the taxes of the citizens by requiring a larger expenditure for wages than would otherwise be necessary, at the expense of the citizens of the cities and towns affected by its provisions; and will tend to the benefit and profit of certain laborers to an extent not enjoyed by laborers generally.

It would scarcely be disputed, I apprehend, that a law containing such provisions, affecting private individuals and corpora-

tions, would be a violation of the liberties and privileges of citizens under the Declaration of Rights of the Massachusetts Constitution and under the Fourteenth Amendment to the Federal Constitution. In the exercise of the police power conferred by the Constitution, many laws limiting the rights of citizens in the making of contracts, and even prohibiting certain contracts, have been enacted by the General Court and sustained as constitutional by the Supreme Judicial Court. *Opinion of Justices*, 163 Mass. 589. But, so far as I am aware, since the beginning of constitutional government no attempt has been made to fix by legislation an arbitrary price of any commodity, including labor, that may properly be the subject of contract between parties. It may well be assumed that any such interference with the rights of individuals and private corporations would be pronounced to be beyond the scope of legislative power.

Certain apparent exceptions to this general proposition rest upon special considerations not applicable to the bill now under consideration. Laws regulating the compensation to be charged by public service corporations, such as common carriers and gas companies, stand upon considerations wholly apart from the general rule I have stated. Further examples of legislation of this character are the statutes regulating the hours of employment of women and minors in certain factories, and those limiting the number of hours persons may be employed in operating street railway cars. Such laws are well within the authority conferred upon the Legislature to enact all manner of wholesome and reasonable laws, as they may be deemed to be for the good and welfare of the citizens of the Commonwealth. But a statute attempting to fix the price and hours of labor as between certain private contractors and their employees could not in my judgment be sustained as a legitimate exercise of the police power contained in the Constitution. It would tend to promote the pecuniary welfare of one class of citizens at the expense of another class.

Is the case different when legislation of this character is attempted as affecting the city or town? A municipality is, indeed, in many respects a mere political division of the Commonwealth. So far as it is intrusted with a part of the government of the State and her citizens, it is wholly under the control of the General Court. Politically, a town is the creature of the Commonwealth. It may be enlarged, diminished, or even annexed to another municipality. It may be governed, in whole or in part, by the officers of the Commonwealth. *Commonwealth v. Plaisted*, 148 Mass. 375.

But a town (and in this term, for convenience, I include cities,

as well) may be said to exist in two capacities, — the one political and governmental, and the other as a private corporation. I have considered its standing as a political division of the Commonwealth ; but it is, also, a corporation enjoying many of the rights and privileges of other corporations. It may hold property to its own use, and enter into contracts relating thereto. It may receive gifts for municipal purposes and may raise money by taxation for the same purposes, the expenditure of which is within its exclusive control. Its property, however acquired, is its own, to which it has the same rights as any other corporation or individual, and of which it may not be deprived. It has the same liberty with respect to contracts for municipal purposes not affecting matters of government as a private person. For example, a statute requiring a town to pay a price for its fire apparatus in excess of the price for which such things could be bought in the open market would be clearly objectionable.

The distinction between matters strictly municipal and those that are governmental is to be clearly borne in mind. As an illustration of this distinction, the Legislature has undoubtedly the right, on the one hand, to fix the salary of public municipal officers, like the mayor, or even a policeman, but not the wages of mere employees, who have no part in the government of the Commonwealth or of the town. They are the servants, not the officers, of the town, and to regulate their wages would be to exercise a control over the affairs of the town far different from that exercised in fixing the salaries of public officers. This distinction is clearly established by the courts. *Opinion of Justices*, 166 Mass. 589.

The bill in question, therefore, is an interference with the rights of a town to manage its own municipal affairs in matters having no connection with its political existence. It amounts, furthermore, indirectly, to the appropriation of its municipal property, whether raised by taxation or otherwise, for the benefit of individuals. The bill is as much an invasion of those rights as it would be of the rights of any other corporation.

The limitation of the provisions of the bill to contracts for public works in no way affects these considerations. The expression "public works" obviously applies to work done for the town as a municipality. Such work is public only in the sense that it is done for the benefit and use of the municipality.

I do not forget the further provision of the bill, that the act shall not take effect in any town until accepted by the voters thereof. But, in my judgment, this does not save it. It is not wholly clear how far the Legislature may authorize a majority of the voters of a town to impose on all its citizens a tax for private

purposes. *Mead v. Acton*, 139 Mass. 341; *Opinion of Justices*, 175 Mass. 599. The effect of the bill, notwithstanding, is to increase arbitrarily the wages of the employee at the expense of the town. It not only binds the minority voter, but, if accepted by the town, it becomes binding for all time, and upon all future voters who will have had no opportunity of election in the matter. Even if the voters of the town can commit themselves to an unlawful expenditure of public funds, they cannot, in my judgment, bind those who come after them.

Upon the whole, therefore, I am of opinion that the bill, so far as it relates to towns and cities, is unconstitutional. Whether this conclusion be based upon the proposition that it takes away the liberties and privileges of the municipality as a private corporation, or as authorizing the appropriation of the tax payers' money for private purposes, or as legislation partial in its character, makes but little difference. All these propositions are somewhat intermingled, and rest ultimately upon the broad proposition that the rights guaranteed to the citizen by the Constitution may not be impaired.

I have the honor to be,

Very respectfully,

HOSEA M. KNOWLTON, *Attorney-General*.

Pauper Law — Temporary Aid to Unsettled Paupers — Allowance in Case of Sickness.

Under St. 1898, c. 425, which provides that the Commonwealth shall reimburse to cities and towns money expended by them in temporary aid to unsettled poor, if such sum does not exceed, except in case of sickness, two dollars a week for each family during the months of May to September, inclusive, or three dollars a week for the months of October to April, inclusive, the State Board of Charity may, in cases of sickness, exceed the amount fixed therein.

MAY 14, 1901.

J. F. LEWIS, M.D., *Superintendent, State Adult Poor.*

DEAR SIR: — Your letter of March 23 recites that a State pauper residing in a city of the Commonwealth was aided by the city from Aug. 7 to Dec. 31, 1900; that during this period she was ill, but not so ill that "her health would have been endangered by removal to the State Hospital;" and that the city claims reimbursement from the State for the medical attendance and medicines furnished to her during her sickness. Due notice was given to the State, as required by law.

The question submitted by your letter is as follows: "Does the clause 'except in case of sickness,' seventh line of section 5, chapter 425, Acts of 1898, permit the State Board of Charity to make

a larger allowance in this case than three dollars a week for the period of the pauper's sickness?"

The statute referred to provides that "A city or town may furnish aid to poor persons found therein, having no lawful settlement within the State, if the overseers of the poor deem it for the public interest; but, except in case of sickness, not for a greater amount than two dollars a week for each family during the months of May to September, inclusive, or three dollars a week for the months of October to April, inclusive."

I see no reason why your question should not be answered in the affirmative. The statute limits the amount to be paid, but expressly excepts cases of illness. I am aware that Pub. Sts., c. 86, § 26, as amended by St. 1898, c. 391, provides that expenses in the case of persons whose health would be endangered by removal to a hospital shall be reimbursed to the city or town "until such sick person is able to be removed to the almshouse." But this provision does not operate to prohibit the furnishing of medical attendance to a State pauper, even in cases where removal might be had. The State can at any time protect itself by ordering the removal of the pauper.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Physicians and Surgeons — Practice of Medicine — Christian Scientists, Osteopaths, etc.

Under a proposed bill relative to the registration of physicians and surgeons, which provides that it shall be a misdemeanor for an unregistered physician or surgeon to practise or attempt to practise medicine, or to hold himself out as a practitioner of medicine, it cannot be held, as a matter of law, that pharmacists, osteopaths, clairvoyants, etc., do not practise or attempt to practise medicine.

MAY 15, 1901.

HON. JAMES J. MYERS, *Speaker of the House of Representatives*.

DEAR SIR: — I have the honor to acknowledge the receipt of a copy of an order adopted by the honorable House of Representatives May 3, 1901, requiring the opinion of the Attorney-General upon a question therein submitted, which is as follows: —

"Does Senate bill No. 281 prevent pharmacists, osteopaths, clairvoyants, or persons practising magnetic healing, mind cure, massage methods, Christian science, or cosmopathic methods, from treating patients by these various and respective methods, as is now permitted under the law?"

St. 1894, c. 458, is an act to provide for the registration of

physicians and surgeons. Section 10 of the act, as amended by St. 1895, c. 412, provides that "whoever not being registered . . . shall advertise or hold himself out to the public as a physician or surgeon . . . or appends to his name the letters 'M.D.,' or uses the title of doctor, meaning thereby a doctor of medicine, shall be punished," etc. Section 11 of the same statute (St. 1894, c. 458), so far as it is material to the present question, is as follows: "This act shall not apply . . . to clairvoyants, or to persons practising hypnotism, magnetic healing, mind cure, massage methods, Christian science, cosmopathic or any other method of healing; . . . provided such persons do not violate any of the provisions of section ten of this act."

The language of section 11, above quoted, is somewhat peculiar. Literally construed it declares that the classes of persons enumerated shall not be affected by the act provided they do not violate its penal provisions; but it is scarcely necessary to say that so long as a person does not violate the provisions of a law he is not affected by it.

I am of opinion, however, that the section is to be more broadly construed, and that it was the intention of the Legislature specifically to declare that the persons enumerated are not to be regarded as holding themselves out to the public as physicians or surgeons so long as they confine themselves to their specialties. Adopting this construction of the section it is clear that under the original act the persons enumerated could carry on their respective callings without making themselves liable to the penal provisions of the statute.

The bill in question substitutes a new penal section for section 10 of the existing act; but it repeals section 11, and no similar provision is contained in the proposed bill, and I am of opinion that this omission seriously endangers the situation of the persons enumerated in section 11 of the existing law, for the reason that if the bill becomes a law it may be claimed that in attempting to heal persons by the methods employed in their respective callings they are to be deemed to be engaged in the "practice of medicine." In the broad sense of that term, it includes generally the art of healing, by whatever method. I am not familiar with the methods employed by the specialists enumerated. I can easily see, however, that it might be claimed, for instance, that one who undertook to heal diseases by cosmopathic methods, whatever they may be, might be deemed to be carrying on the "practice of medicine," and so come within the provisions of the bill. If, therefore, the Legislature intends to insure to the classes of persons enumerated in the question submitted the right to pursue their respective callings without being required to be registered, they should be specifically exempted from the general prohibitions of the bill.

I may add that pharmacists are regulated by existing statutes. These statutes give them no authority to practise medicine. The bill in question gives them no additional powers.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Agricultural Society — Bounty from the Commonwealth.

An agricultural society, in order to be entitled to bounty from the Commonwealth under the provisions of Pub. Sts., c. 114, § 1, must be an organization local in its nature, composed chiefly of persons interested in agricultural pursuits residing in the county within which it is located, and must maintain a permanent place in the county for its exhibitions, with the necessary buildings therefor.

MAY 17, 1901.

J. W. STOCKWELL, Esq., *Secretary, State Board of Agriculture*.

DEAR SIR: — The opinion of the Attorney-General is desired upon the question whether the New England Agricultural Society is entitled to receive the bounty provided for by Pub. Sts., c. 114, § 1.

The society in question is incorporated under the laws of Massachusetts, but it owns no real estate or buildings in this Commonwealth, and its meetings are held in conjunction with those of other agricultural societies, and may be at any favorable time or place, either within or without the Commonwealth. It in no sense represents a county of the State, or any other geographical section.

I am of opinion that the society is not entitled to receive bounties under the statute. An examination of all the provisions of the chapter and of the history of legislation upon the subject makes it clear that the agricultural societies referred to in the statutes of the Commonwealth are local associations, whose purpose is to promote agricultural interests in the section of the State in which they are located. In every instance in which such a society has been admitted to the benefits provided by the statutes, it has been an organization local in its nature, composed chiefly of persons interested in agricultural pursuits residing in the county where it is located, and which has erected and maintained a permanent place in the county for its exhibition buildings. The whole purpose of legislation upon the subject had been to foster the interests of agriculture by dividing the State into sections, usually counties, in each of which a society has been incorporated and supported mainly by those living in such county or subdivision of a county.

The section granting the bounty clearly makes it manifest that the Legislature had in view societies having exhibition grounds and buildings. The section is as follows: "Every incorporated

agricultural society which was entitled to bounty from the Commonwealth before the twenty-fifth day of May in the year eighteen hundred and sixty-six, and every other such society whose exhibition grounds and buildings are not within twelve miles of those of a society then entitled to bounty, and which has raised by contribution of individuals and put out at interest on public or private security, or invested in real estate, buildings, and appurtenances for its use and accommodation, one thousand dollars, as a capital appropriated for its uses, shall, except when otherwise determined by the state board of agriculture as provided in section three, be entitled to receive in the month of October annually, out of the treasury of the Commonwealth, two hundred dollars," etc.

The earliest statute upon the subject was St. 1818, c. 114, "An act for the encouragement of agriculture and manufactures," which contained, in section 1, a provision not unlike that in the Public Statutes, requiring an invested capital of \$1,000 before incorporated agricultural societies within the Commonwealth could receive the bounty provided for. Section 2 provided that any agricultural society formed under the act "within any county or counties in this Commonwealth," in which no incorporated society at that time existed, might, upon investing \$1,000, partake of the bounty. This section also contained the following provision: "*provided, always,* that no agricultural society hereafter formed as aforesaid shall be entitled to the benefits of this act, unless the same be formed in a county or in an association of counties, including a population of thirty thousand inhabitants." Section 6 of the same statute provides that the act shall not extend to agricultural societies "formed in towns or in any circles of territory less than counties."

The next statute was St. 1820, c. 49, which contained a provision authorizing the trustees of the incorporated agricultural societies, and such as might thereafter be incorporated, to fix and define bounds and limits of sufficient extent for the erection of their cattle sheds and yards. It also provided for other details respecting the exhibitions which were to be held upon their grounds. It further provided for the appointment of officers who were to give efficiency to the rules and regulations for the preservation of good order on the occasion of public cattle shows and exhibitions.

Both of these statutes show clearly that the Legislature did not intend to pay a bounty to a society which did not own land and buildings or give exhibitions within the Commonwealth. Rev. Sts., c. 42, contains, in brief form, nearly all of the regulations set forth in the above-quoted acts, together with additional provisions relating to premiums, etc. All of these provisions were reenacted in the General Statutes, with some added requirements as

to filing certificates and making annual returns to the secretary of the State Board of Agriculture. In this statute, also (section 16), a time was prescribed when exhibitions by the different agricultural societies entitled to receive the bounty provided for in section 1 should be held.

St. 1866, c. 189, provided that no agricultural society not drawing a bounty from the State should hereafter be entitled to such bounty, in case the grounds and buildings for holding exhibitions of said society were within twelve miles of the grounds and buildings of any other society by law entitled to such bounty. It also provided for the election of a delegate to the State Board of Agriculture by such societies as published their transactions and made returns to the secretary of the State Board of Agriculture. These provisions are practically re-enacted in Pub. Sts., c. 114, except that the date for holding the exhibitions is regulated by a rule of the State Board, and not by the statutes.

Furthermore, the same chapter (Pub. Sts., c. 114) which, in section 1, regulates the bounty to be paid to such organizations, provides in section 9 that "Every such society shall admit as members upon equal terms, citizens of every town in the county in which it is located, and all premiums offered shall be subject to the competition of every citizen of such county."

Upon the consideration of all these statutes, I am clearly of the opinion that the New England Agricultural Society is not within the purview of the statute.

A similar question has been raised in respect to the Bay State Agricultural Society. I am informed that this organization is similar in its purposes to the New England Agricultural Society. For the reasons stated above, therefore, I am of opinion that this association is not entitled to bounties.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Pauper Law — Settlement — Effect of Retroactive Statute.

A settlement acquired prior to 1860, which by its existence prevented the acquisition of a settlement in the same place, comes within the exception contained in St. 1898, c. 425, § 2, and is not lost because the person acquiring such settlement died before the passage of the statute.

MAY 17, 1901.

J. F. LEWIS, M.D., *Superintendent, State Adult Poor.*

DEAR SIR:—Your letter of April 4 requires the opinion of the Attorney-General upon the settlement of a female pauper. The facts stated in the letter are as follows:—

The pauper was born in 1813 and became insane when twenty years of age, since which time she has been *non compos mentis*, and has been a public charge of the city of Cambridge since Aug. 6, 1879. She acquired a settlement through her father, who owned and occupied a freehold estate in Cambridge from 1811 to 1871, the date of his death, gaining thereby a settlement under the provisions of Pub. Sts., c. 83, § 1, cl. 4.

A pauper who is an idiot or insane, and therefore is not competent, though of age, to gain a settlement for himself, follows the settlement of his mother. He is in the same situation as a minor child, whose settlement, derived from his father, changes with that of his father. *Taunton v. Middleborough*, 12 Met. 35, 38; *Upton v. Northbridge*, 15 Mass. 237.

In the present case the pauper, having been insane since 1833, could acquire no settlement of her own, and must depend entirely upon that derived from her father, who was settled in Cambridge by virtue of the ownership and occupancy of a freehold estate from 1811 to 1871.

St. 1898, c. 425, § 2, provides that Pub. Sts., c. 83, § 6, shall be amended so as to read: "All settlements not fully acquired subsequent to the first day of May in the year eighteen hundred and sixty are hereby defeated and declared to be lost, except where the existence of such settlement prevented a subsequent acquisition of settlement in the same place."

It is clear that while the father gained his settlement prior to 1860 (1811-1860), the existence of the settlement so gained prevented a subsequent acquisition of settlement in the same place (1860-1871). There is no question that if he had been living at the time of the passage of St. 1898, his settlement would not have been lost under section 2.

I see no reason why the death of the father subsequent to the period of time when his settlement would have been acquired, but for the existence of the previous settlement, affects the question. The situation had become complete when he died, and nothing in the statute of 1898, expressly or by implication, makes any such exception. In the case of *Adams v. Ipswich*, 116 Mass. 570, where the facts under a similar statute were in all respects identical, although the question was not directly passed upon, no suggestion was made either by counsel or by the court that the death of the person whose settlement was defeated by a prior settlement was material to the determination of the question.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Co-operative Savings Banks — Directors — Proxy Voting.

The directors of a co-operative savings bank cannot legally vote by proxy.

MAY 27, 1901.

STARKES WHITON, Esq.,

Chairman, Board of Commissioners of Savings Banks.

DEAR SIR: — Your letter of April 27, relating to the Pioneer Co-operative Bank and to the Guardian Co-operative Bank, and the votings of those corporations, appears to require no opinion of law except upon the question whether directors may vote by proxy.

It is well settled that they cannot legally vote by proxy. *Vide, Cook on Stock and Stockholders*, § 713a; *Re Portuguese, etc., Co.*, L. R. 42, C. D. 160; *Perry v. Tuscaloosa, etc., Co.*, 93 Ala. 364.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Violation of Pharmacy Law — Plea of Nolo Contendere — Conviction.

A plea of nolo contendere, followed by a fine imposed by the court, is a conviction within the meaning of St. 1896, c. 397, § 9.

JUNE 5, 1901.

AMOS K. TILDEN, *Secretary, Board of Registration in Pharmacy.*

DEAR SIR: — Your letter of June 3 requires the opinion of the Attorney-General upon the following question: “Is a plea of *nolo contendere*, followed by a fine imposed by the court, a conviction within the meaning of section 9, chapter 397, Acts of 1896?”

It is. *White v. Creamer*, 175 Mass. 567.

Yours respectfully,

HOSEA M. KNOWLTON, *Attorney-General.*

Newburyport Bridge — Legal Title — Repair and Maintenance.

The title to the bridge over the Merrimack River, between the city of Newburyport and the town of Salisbury, was vested, under the terms of St. 1867, c. 296, § 7, in the county of Essex, by virtue of the proclamation by the Governor, dated Aug. 22, 1868, declaring the bridge to be free.

Since the bridge has become a public highway, however, questions relating to its repair and maintenance, and the parties who shall contribute thereto, are wholly within the discretion of the Legislature, and are to be determined upon considerations in no way connected with the legal ownership of the property.

JUNE 6, 1901.

HON. JAMES J. MYERS, *Speaker of the House of Representatives.*

DEAR SIR:—I have the honor to acknowledge the receipt of a copy of an order adopted by the honorable House of Representatives yesterday, requiring the opinion of the Attorney-General upon the question whether the bridge over the Merrimack River between the city of Newburyport and the town of Salisbury is the property of the Commonwealth or the county of Essex.

So far as the history of the bridge is shown by the statutes of the Commonwealth it is as follows: by St. 1825, c. 164, certain persons were made a corporation by the name of the Proprietors of the Newburyport Bridge, and were authorized to construct a bridge over the Merrimack River between Newburyport and Salisbury. I assume that the bridge in question was constructed by the corporation so chartered. It was provided in the charter, by section 4, that after a period of forty years from the time when the bridge was opened for travel it should revert to and become the property of the Commonwealth. I have no information as to the time when the bridge was opened for travel, but I assume that it was forty years before the next act relating to the subject, which was in 1867.

In the year 1867, by chapter 296 of the Acts of that year, the county commissioners were "authorized and empowered to lay out as and for highways" certain bridges across the Merrimack River, including the one in question. It was further provided in this act that the damages, if any, to be paid to the proprietors of the bridges specified in the act should be paid in the same manner as damages occasioned by the laying out of highways; that is to say, by the county. Section 6 contained the unusual provision that the several cities and towns in said county, or any of them, might contribute to the county towards the payment of damages that might be awarded to the proprietors of such bridges; apparently leaving the question of contribution, and the amount of the same, optional with the cities and towns.

The important section of this act, so far as relates to the question submitted, is section 7, the language of which is as follows: "Upon evidence satisfactory to the governor and council that any one of said bridges now or hereafter belonging to the Commonwealth has been laid out as a highway according to the provisions of this act, the governor shall by his proclamation declare such bridge free; and thereupon all property of the Commonwealth in such bridge and in the appurtenances thereto shall vest in said county and in said cities and towns contributing to the payment of damages in the laying out of such bridge as a highway."

It was the obvious purpose of the Legislature by this section to

dispossess the Commonwealth of the legal title to the bridges enumerated by vesting the same in the county, and in such cities and towns as might, under the provisions of the section above quoted, voluntarily contribute to the payment of the damages awarded for taking the same. If no city or town contributed then the county became the sole owner. But whether such contribution was made by cities and towns or not, the Commonwealth was to become dispossessed, and either the county alone, or the contributing cities and towns together with the county were to hold the title to the bridges taken.

Apparently no action was taken under this section; for in the next year (St. 1868, c. 309, § 8) the county commissioners were commanded within sixty days after the passage of the act to lay out as and for highways the same bridges which they were authorized and permitted to lay out by the statute of 1867. They were further required to lay out the bridges enumerated in the manner provided by law for the laying out of highways, and according to the provisions of the statute of 1867, above referred to, so far as the same were applicable. The statute of 1868 further required the commissioners to apportion the damages sustained by the proprietors of such bridges among such cities and towns as the commissioners should determine were benefited by the laying out, thus doing away with the voluntary contributions provided for by the act of the previous year.

The bridge in question was laid out as a highway under the provisions of this act. But none of the provisions of the statute of 1867 were repealed by the later statute, excepting those relating to voluntary contributions for damages by the cities and towns. In other respects the provisions of the statute of 1867 still remained in force, including section 7, which provided that upon the proclamation of the Governor that the bridge had become free, the property in it should vest in the county, and in such cities and towns as had contributed to the payment of damages. As the title to the property had reverted to the Commonwealth no damages were awarded, and, therefore, no contributions were assessed upon or received from any city or town. The proclamation by the Governor declaring the bridge free was issued Aug. 22, 1868; and, thereupon, under the terms of the statute, the title to the bridge vested and is in the county of Essex.

It may not be improper for me to add, although strictly it is not within the scope of the question submitted, that the legal title to the bridge has no direct connection with the question of the expediency of the enactment of the bill in question. The bridge has become a public highway, and questions relating to its repair

and maintenance, and of the parties who shall contribute thereto, are wholly within the discretion of the Legislature. It was deemed expedient by the Legislature of 1867 to vest the title to the bridge in the county, even though it does not appear that such title was desired. But, nevertheless, the question who shall maintain the bridge is to be determined upon considerations wholly disconnected with the matter of legal ownership of the property.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

*Board of Harbor and Land Commissioners—Land covered by
Navigable Waters—Cession to United States.*

Land at a distance of 200 feet below low-water mark, which is covered by water to a depth of 8 feet at mean low water, is "land covered by navigable waters" within the meaning of Pub. Sts., c. 1, § 7, although structures of loose stones have been erected thereon, and title thereto may be conveyed to the United States by the Board of Harbor and Land Commissioners under such statute.

JUNE 25, 1901.

HON. WOODWARD EMERY,

Chairman, Board of Harbor and Land Commissioners.

DEAR SIR:—Your letter of June 4 states that "under the provisions of St. 1898, c. 441, and St. 1899, c. 155, the Board of Harbor and Land Commissioners has cut a channel between Lake Anthony at Cottage City and Vineyard Sound, about 5 feet deep and 100 feet wide on the bottom, and has protected the same by building two stone jetties on either side of the cut extending into the sound about 200 feet beyond the low-water mark, reaching a depth of about 8 feet at mean low water. . . . The United States Lighthouse Board is willing to maintain lights on the ends of the jetties. The ends of the jetties are built up (as are the entire jetties) by loose stones piled up, through the interstices of which the water readily flows."

The question submitted by your letter is whether the Board may convey the land upon which the ends of the jetties have been erected to the United States for the purpose of maintaining lights and lighthouses thereon, it being one of the provisions of the U. S. Rev. Sts. that no lighthouse shall be erected on any site until "cession of jurisdiction over the same has been made to the United States."

The authority of your Board is to be found in Pub. Sts., c. 1, § 7, which provides: "The board of harbor and land commissioners, with the approval of the governor and council, may in the name and behalf of the commonwealth convey to the United

States the title of the commonwealth to any tracts of land covered by navigable waters, and necessary for the purpose of erecting lighthouses, beacon lights, range lights, or other aids to navigation, or lightkeepers' dwellings, upon the application of any authorized agent or agents of the United States: *provided*, that such title shall revert to and revest in the commonwealth whenever such land ceases to be used for such purposes."

There can be no doubt that the circumstances of the case bring it within the provisions of this statute.

The jetties extend out 200 feet below low-water mark and reach to a depth of 8 feet at mean low water. They are built of loose stones, through the interstices of which the water readily flows. The soil upon which the jetties rest is, therefore, the property of the Commonwealth, and title to it may be conveyed by your Board to the United States under the statute quoted and subject to the conditions named therein.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Civil Service — Chief Superintendent — Superintendent of City Farm at Lowell.

By the term "chief superintendent of a department," as used in Rule VI., Schedule B, Class 12, of the civil service rules, is intended an officer who has the oversight and charge of the whole of the business of that department and acts for and represents the head of the department in every branch of its authority.

The superintendent of the City Farm at Lowell is not such an official, and his election, in disregard of the rules of the Civil Service Commission, is, therefore, illegal.

JUNE 27, 1901.

HON. CHARLES THEODORE RUSSELL,

Chairman, Civil Service Commissioners.

DEAR SIR: — The charter of the city of Lowell (St. 1875, c. 173, § 29, as amended by St. 1894, c. 190) provides for a board of overseers of the poor, and that "they may appoint a secretary and superintendent, and such other subordinate officers as the ordinances of the city may require, and may define the duties of said officers." Acting under the authority of this statute the Board in January elected one Robert B. Saunders to the position of superintendent of the City Farm, displacing Albert Pindar, a veteran, who, until then, was lawfully in office as such superintendent. No requisition was made upon the Civil Service Commission, and there was no pretence that the rules of the commission were complied with, it being claimed or assumed that this office was not within those rules.

Rule VI., Schedule B, Class 12, enumerates as officers who must be appointed under the civil service rules "superintendents, assistant superintendents, deputies and persons, other than the chief superintendents of departments, performing any of the duties of a superintendent in the service of any city of the Commonwealth."

The office in question being that of a superintendent of the City Farm of Lowell is within this classification, unless it is excepted by the words "other than the chief superintendents of departments." I understand that it has been contended that the official in question is to be regarded as the chief superintendent of a department within the meaning of those words as used in this rule, and therefore exempt from the operation of the civil service rules.

But obviously the "chief superintendent of a department," as that term is used in the rule quoted, is more than a mere "superintendent," for the latter is within the scope of the rules, while the "chief superintendent of a department" is not within the rules. The fact, therefore, that an officer is a superintendent does not of itself bring him within the exception. By the term "chief superintendent of a department" must be intended an official who has the oversight and charge of the whole of the business of that department, with full power of direction and management. He must be one who acts for and represents the head of the department in every branch of its authority.

The superintendent of the City Farm is not such an official. While he may have, and probably does have, the entire charge and superintendence of the City Farm, and the buildings and departments associated under it, he is, nevertheless, not the general agent of all the matters relating to the poor department, and the administration of the poor laws. The agents and representatives of the board are by law two, a superintendent and a secretary. The secretary, as I am informed, has charge, subject to the control of the board, of what is known as the out-door poor relief funds, and distributes aid to those who are not inmates of any of the institutions. On the other hand, the superintendent of the poor farm has charge of those institutions. The duties of these two officials are entirely separate. Neither of them can be said to be the chief superintendent of the poor department.

The official in question, therefore, not being the "chief superintendent" of the poor department, within the meaning of that expression as used in the civil service rules, is not exempt, and must be chosen in accordance with the provisions of those rules. It follows that the election of Saunders was illegal.

Yours truly,

HOSEA M. KNOWLTON, *Attorney-General*.

*Registered Pharmacist — Clerk — Sixth-class License — Board of
Registration in Pharmacy.*

The granting of a sixth-class license to a registered pharmacist who is acting as a clerk in a pharmacy does not constitute a violation of the pharmacy law requiring the Board of Registration in Pharmacy to investigate and notify the proper prosecuting officer, as provided in St. 1896, c. 397, § 21.

JUNE 28, 1901.

AMOS K. TILDEN, Esq., *Secretary, Board of Registration in Pharmacy.*

DEAR SIR:— Your letter of June 5 submits the following question: “Upon complaint being made to the Board of Registration in Pharmacy that a license of the sixth class has been granted to a registered pharmacist acting as a clerk in a pharmacy, is such a condition a violation of the pharmacy law, and is it the duty of the Board of Registration in Pharmacy to investigate and notify the proper prosecuting officer, as provided in section 21, chapter 397, Acts of 1896?”

There is no law against the granting of a license of the sixth class to a registered pharmacist acting as a clerk in a pharmacy. For aught that may appear in the granting of a license, the applicant is proposing to carry on the business in his own name upon receiving his license.

The prohibition of the statute, so far as it concerns your Board, is the suffering or permitting by a registered pharmacist of the use of his name or his certificate of registration by others in the conduct of the business of pharmacy, when he himself is not the owner and actively engaged in such business.

It is certainly the duty of your Board to investigate any such improper use of his certificate by a registered pharmacist, and to notify the proper prosecuting officer of the fact if it be found to exist.

It may be that your Board has other things in mind in the question submitted. If so, I can only reply, generally, that it is the duty of your Board “to investigate all complaints of disregard, non-compliance with, or violation of, the provisions” of the chapter. I have quoted the language of the statute for I am unable to improve on it. If complaints relate to matters not connected with the statute in question, it is not your duty to make them, but you are at liberty to do it, as is any other good citizen. But whenever any provisions of the pharmacy statute are violated, it is certainly your duty to investigate the matter and report it to the prosecuting authorities.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Insurance — Insurance Broker — License — Clerk or Other Employee of Broker.

A salaried clerk or other employee of a duly licensed insurance broker, who is not himself so licensed, cannot lawfully do any of the acts forbidden to persons not licensed as insurance agents or brokers. He cannot, under pretence of being a clerk, act as solicitor or broker of insurance, excepting so far as such work is under the immediate direction of his employer and is incidentally a part of his work as clerk.

JUNE 28, 1901.

HON. FREDERICK L. CUTTING, *Insurance Commissioner.*

DEAR SIR:— Your letter of April 12 requires the opinion of the Attorney-General upon the question whether one who is a salaried clerk or other employee of a duly licensed insurance broker can lawfully do any of the acts forbidden to persons not licensed as insurance agents or brokers.

St. 1894, c. 522, § 87, provides as follows: “Any person not a duly licensed insurance broker, who solicits insurance on behalf of any insurance company, or transmits for a person other than himself an application for or a policy of insurance to or from such company, or offers or assumes to act in the negotiation of such insurance, shall be deemed an insurance agent within the intent of this act, and shall thereby become liable to all the duties, requisitions, liabilities and penalties to which an agent of such company is subject.”

By section 98 of the same act it is provided that: “Any person who shall assume to act as an insurance agent or insurance broker without license therefor as herein provided . . . shall be punished by a fine of not less than one hundred nor more than five hundred dollars for each offence.”

The certificate issued under section 91 of the same chapter is personal to the licensee, who must be found by the insurance commissioner to be a “suitable person.” The licensee, therefore, may not delegate his authority to an unlicensed person, even though he be his clerk.

The distinction between what the employee may do and what he may not do is well stated in the opinion given to you, as you inform me by your letter, by a former attorney-general, to wit: “that any clerk or employee who acted outside of his employer’s office in soliciting insurance, or doing the other things that constitute a person an agent of an insurance company, would not be protected by his employer’s license; while a clerk, or employed person, doing the clerical work of an insurance office and waiting on the customers at the counter, advising as to rates, delivering policies and receiving pay therefor, and perhaps incidentally acting in the

negotiation of insurance, would not need a license, inasmuch as he is acting as eye, ear, or hand of his employer, and is not known to the insured in any responsible capacity."

In other words, the employee cannot lawfully be a solicitor or broker of insurance, excepting so far as such work is under the immediate direction of his employer and is incidentally a part of his work as clerk.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

*Massachusetts Highway Commission — State Highway — Nuisance
— Public Health.*

The Massachusetts Highway Commission is not charged with any duties relating to the preservation of the public health, and therefore is not required to take any action toward abating a nuisance upon a State highway when such nuisance does not affect the conditions of the highway as a road structure.

JUNE 28, 1901.

A. B. FLETCHER, Esq., *Secretary, Massachusetts Highway Commission*.

DEAR SIR: — Your letter of June 4 states that certain abutters along the State highway in Leicester are discharging their house sewerage into the gutter of the State road, thereby creating a nuisance. The letter further states that the houses are very near the road, and so situated as to make it difficult to maintain a system of cesspools, and that the practice of discharging sewage into the gutter has been going on for a long time, both before and since the construction of the road by the Commonwealth.

The letter requires the advice of the Attorney-General as to the duties of the Massachusetts Highway Commission upon this state of facts.

The duties of your commission as to State highways are to keep them in good repair and condition at the expense of the Commonwealth. I assume that the discharges complained of do not affect the condition of the highway as a road structure. Even if it were otherwise, it is not entirely clear how far a person can be compelled to prevent flowage of water from his premises to a highway. The present question, however, arises by reason of the claim that the discharges are injurious to the health of the public and thus constitute a nuisance. With this aspect of the matter your Board has nothing whatever to do. You are not charged with any duties looking to the preservation of the public health or the prevention of nuisances affecting the same.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Co-operative Banks — Security — Collection of Loan.

If upon the forfeiture of the shares and the foreclosure of a mortgage respectively pledged and executed by a stockholder in a co-operative bank, to secure a loan from such bank, the amount realized therefrom is not sufficient to discharge the loan, the balance remaining unpaid becomes a debt which is presently due and may be recovered by suit forthwith, like any other loan.

JULY 6, 1901.

HON. STARKES WHITON,

Chairman, Board of Savings Bank Commissioners

DEAR SIR:—Your letter of Feb. 25, 1901, encloses a copy of the form of note and mortgage usually taken by co-operative banks in this Commonwealth when advances are made by them upon shares of the bank, and requires the opinion of the Attorney-General as to “whether or not under said form of note and mortgage, in cases of foreclosure and sale, if the property did not bring sufficient to pay the amount advanced by the bank, would it have a claim on the maker of the note (as in cases of ordinary mortgages) for the deficiency between the sale and the amount of the advance?”

In order intelligently to answer this inquiry, it is necessary to ascertain the precise nature of the contract expressed by the note and mortgage, the forms of which are submitted with your letter. The form of the note (which is followed in the condition of the mortgage) is unusual. It is peculiar, I believe, to co-operative banks. Many borrowers, who understand clearly that the bank has loaned them money, secured by a mortgage, and payable in monthly instalments, find it difficult to comprehend the somewhat involved terms of the note they are required by the bank to sign.

The first difficulty grows out of the peculiar signification of the word “share” as used in the note and mortgage. It is unlike the ordinary share in a business corporation, in that the subscriber for a share merely acquires by his contract with the bank the right to continue to pay assessments on his so-called share until the assessments paid by him, together with the interest earned upon them, amounts to \$200, at which time that sum is forthwith paid to him. That is to say, the word “share” means only the right to contribute monthly to a given fund, to be used by the bank for the purpose of making loans; to be credited with the amount of his contributions and the proportional part of the interest earned upon such contributions, until the accumulation reaches the sum of \$200, when the whole amount is paid to the subscriber, and his so-called share is at an end.

Another peculiarity of co-operative bank transactions lies in the

fact that there are no loans excepting to shareholders. The borrower must subscribe for a number of shares at \$200 each, sufficient to equal the amount of his proposed loan. That is to say, if he proposes to borrow \$1,000, he must subscribe for five shares of \$200 each. These shares are forthwith pledged by him to the bank for the amount of the advance. He undertakes to pay monthly the interest on the amount of the advance, and the dues and assessments appertaining to the shares. The contract of pledge is terminated (unless sooner by the voluntary act of the parties) when the accumulations of the shares make them worth the full amount of \$200. Then the shares of the borrower and his obligations are discharged at the same time; the value of the shares being equal to the amount of the advance made to him.

Obviously, however, a loan made upon shares which represent nothing but the right to contribute money is an insufficient security, unless there is some adequate assurance that the dues upon the shares will be paid, together with interest upon the advance. To secure these two things the form of note submitted with your letter has been devised. The contract of the note is, in substance, an agreement by the borrowing shareholder that he will pay the monthly dues on the shares, and the interest upon the loan, until the shares shall reach the ultimate value of \$200 each. The condition of the mortgage is practically the same. It is not the repayment of the advance, but the payment of the interest upon the advance and the dues upon the shares pledged as security for the advance.

It is provided by Pub. Sts., c. 117, § 16, as amended by St. 1882, c. 251, that if the borrowing member fails to comply with his contract to pay the dues upon his shares and interest upon his advance, the directors may at their discretion declare the shares forfeited. They shall thereupon charge the borrowing member with the arrears of interest and dues upon the shares, and credit him upon his loan with the value of the shares; and may thereupon, after a stated time, enforce "the balance of the account" against the security. Under this provision of the statute, therefore, the mortgage may be foreclosed for the purpose of collecting this balance. The inquiry in your letter supposes the case that the mortgaged property may not sell under foreclosure for enough to pay the balance of the account, and requires the opinion of the Attorney-General upon what further rights the bank has upon the borrowing member.

Notwithstanding the elaborate provisions in the note and in the mortgage, by which the transaction is made to appear to be a subscription for shares by the borrower, and an advance upon the

credit of them, with a mortgage to secure the balance unpaid upon the shareholder, it is obvious that the transaction is, nevertheless, in fact a loan, and these provisions are methods devised to permit the paying of the loan in small instalments, and under circumstances which, as it is claimed by those interested in co-operative banks, will allow the borrower in fact to get a lower rate of interest on account of the investment by the bank of his partial payments in other loans, in the profits of which he participates as a shareholder.

But if the consideration in relation to the pledge of the shares is broken, and the shares are forfeited, and the security of the mortgage is exhausted, and all these proceedings are not sufficient to pay the loan, it is not discharged, remains due, and may be collected by suit, like any other loan. The suit would not be upon the note, nor upon any contract relating to the shares. The declaration would be a common count for money loaned.

It is also obvious that when the shares are forfeited by the fault of the borrower, the balance is presently due and may be collected forthwith. There was no time fixed in the original loan for a repayment; but by subscribing for and pledging shares he acquired the right to discharge his loan by paying the assessments on his shares until the value of the shares equalled the amount of the loan. This right ceased when his shares were forfeited, and nothing of the transaction remained but a loan, without time fixed for repayment, and therefore due on demand.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

*Insurance — Liability of Physician for Accident to Patient —
Accident Insurance Policy.*

Injury or death caused by the mistake, inadvertence or error of a physician, is, so far as concerns the patient, an accident, and a policy issued to physicians insuring them against loss from common law or statutory liability for damage on account of bodily injuries, fatal or non-fatal, suffered by any person or persons in consequence of any alleged error or mistake made by the physician to whom such policy is issued, is insurance against loss or damage on account of "bodily injury or death by accident" within the meaning of clause 5 of St. 1894, c. 522, § 29, and is therefore legal.

JULY 10, 1901.

HON. FREDERICK L. CUTTING, *Insurance Commissioner*.

DEAR SIR: — Acts of 1894, c. 522, § 29, paragraph 5, provides that insurance companies may be formed "to insure any person, firm or corporation against loss or damage on account of the bodily

injury or death *by accident* of any person for which loss or damage said person, firm or corporation is responsible." Section 77 of the same chapter authorizes foreign companies under certain conditions to transact in this Commonwealth any class of insurance authorized by its laws. A foreign insurance company, which has been admitted to do an accident business in this State under the sections referred to, proposes to issue to physicians policies insuring them "against loss from common law or statutory liability for damage on account of bodily injuries, fatal or non-fatal, suffered by any person or persons in consequence of any alleged error or mistake made" by the physician to whom the policy is issued.

The question submitted in your letter of June 12, 1901, is whether such a contract is within the authority of the statute above quoted.

It is settled that insurance may be written covering accidents to persons other than the assured. *Employers' Liability Insurance Company v. Merrill*, 155 Mass. 404. It has also been held that such a contract is not against public policy. *American Casualty Company's Case*, 82 Md. 335.

There is nothing, then, to make this form of insurance illegal, provided the statute is broad enough to authorize it. Whether this be so depends upon the interpretation to be given to the word "accident," as used in the statute.

In general, an accident may be said to be the operation of chance. As the word is more commonly used it signifies an undesirable or unfortunate happening, an undesigned harm or injury. In this broad sense any disease may be said to be an accident. But the word as used in the statute is to be construed in accordance with its surroundings. Throughout insurance statutes a distinction is made between death or injuries resulting from disease and those which are the result of what are ordinarily called casualties or accidents. Mere disease, therefore, is not an accident. An aggravation, however, of the disease, caused by no fault of the patient, but by a mistake, inadvertence or error of another, may properly be termed an accident, so far as the patient is concerned.

This may be so even though the patient himself can make no claim upon his own accident insurance policy. The ordinary accident insurance policies specifically except death or disability caused, wholly or in part, by surgical operations or medical treatment for disease. Most of them also further limit the use of the word "accident" by barring cases where there are not some external marks of injury.

Bearing these considerations in mind, I see no good reason to doubt that whenever a patient receives an injury, the proximate

cause of which is the negligence of the physician, he may not as properly be said to have been injured by accident, as an employee who is thrown to the ground by a staging defective in consequence of the negligence of his employer. The same is true, in my judgment, of fatal injuries caused under the same circumstances. If a man receives a wound, not of itself fatal, but which causes death by what is commonly called blood-poisoning, this would be death by accident. If a patient is treated by a physician who neglects to use antiseptic precautions, and death results from such neglect, it is still an accident so far as the patient is concerned, and one for which the physician may be liable.

An employer whose negligence causes injury to his employee may be held to pay damages therefor, either at common law or by some statute. He may insure himself against such liability. A physician whose negligence causes injury to his patient that would not have happened to him if he had been skilful may be made to pay the damages which result. I see no difference between insuring the physician under such circumstances and the employer whose negligence made him liable to his employee.

It is not necessary to consider whether there may not be cases of liability by physicians for malpractice which could not be insured against under the statute quoted. It is sufficient that some cases where physicians are held liable at common law come within the meaning of the statute as I interpret it, and therefore that the form of policy cannot be pronounced illegal.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Pauper Laws — Unsettled Woman — Retroactive Statute.

A female pauper, who, prior to 1860, acquired a derivative settlement through her husband, was not an "unsettled woman" within the retroactive provisions of St. 1874, c. 274, § 2, and St. 1878, c. 190, and so could not acquire a settlement thereunder in her own right, and therefore became, upon the passage of St. 1898, c. 425, § 2, cutting off her derivative settlement, an unsettled woman.

JULY 30, 1901.

J. F. LEWIS, M.D., *Superintendent, State Adult Poor.*

DEAR SIR : — The pauper referred to in your letter of March 11 was born in 1819 and has been a widow since 1849. She acquired, prior to 1860, a derivative settlement, through her husband, in Salem. Since 1860 she has resided in Boston, but was aided at the expense of Salem in the years 1864–1866 inclusive and in the years 1875–1898 inclusive. During the years 1867–1874 inclusive she received no aid, being then a resident of the city of Boston.

The question submitted by your letter is whether she is to-day settled in Boston.

St. 1874, c. 274, provided in section 2 that a woman residing in any place within the State for five years, without receiving relief as a pauper, would gain a settlement in such place; but in section 3 it was provided that no existing settlement should be changed by the act, unless the entire residence accrued after its passage; but that as to unsettled persons the statute should be deemed to be retroactive. This act, therefore, did not give her a settlement in Boston, for she was not then an unsettled person, and the five years' residence in Boston was before the enactment of the statute. This statute was re-enacted in St. 1878, c. 190, and was extended to married women who had no settlement derived by marriage, by St. 1879, c. 242. Both of these later statutes were retroactive as to unsettled women only. They did not operate, therefore, to change her derivative settlement in Salem.

The re-enactment of these provisions in Pub. Sts., c. 83, § 1, cl. 7, did not change the situation.

Up to the year 1898, therefore, the pauper had not acquired a settlement in Boston and had not lost her settlement in Salem. St. 1898, c. 425, however, provides that "all settlements not fully acquired subsequent to the first day of May in the year 1860 are hereby defeated and declared to be lost, except where the existence of such settlement prevented a subsequent acquisition of settlement in the same place: *provided*, that whenever a settlement acquired by marriage has been thus defeated, the former settlement of the wife, if not defeated by the same provision, shall be thereby revived."

This statute cut off her derivative settlement in Salem, and as she would lose any settlement which she might have had before marriage by the same provision, and so far as the facts show was not prevented by her derivative settlement from gaining another in Salem, she became under its provision, and is to-day, an unsettled woman.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Metropolitan Parks — Violation of Law — Fines.

The provision of St. 1901, c. 464, requiring that all fines recovered for violation of the laws of the Commonwealth within the limits of lands, roadways or boulevards under the care of the Metropolitan Park Commission shall be accounted for and paid to the Treasurer of the Commonwealth, and by him placed to the credit of such commission, must be limited to fines actually collected or received by the commission.

Aug. 6, 1901.

JOHN WOODBURY, Esq., *Secretary, Metropolitan Park Commission.*

DEAR SIR: — St. 1897, c. 121, § 2, provided as follows: “All sums of money hereafter collected or received by said commission, including sums received for rentals, sales, or use of property under its care, and all fines recovered for violations of law within the limits of the lands, roadways or boulevards under its care, shall be accounted for and paid to the treasurer and receiver-general of the Commonwealth, and shall be placed by him to the credit of and added to the funds provided by law for meeting the expenses of said commission, and may be expended by said commission in addition to any loans or appropriations authorized for park purposes.”

In an opinion given Sept. 15, 1898 (1 Op. Atty-Gen. 595) I advised your Board that the phrase in the section, “all fines recovered for violations of law within the limits of the lands, roadways or boulevards” under the care of the Metropolitan Park Commission, should be construed as including only such fines as were recovered for violation of the rules and regulations made by the park commission.

St. 1901, c. 464, repeals the section above quoted and substitutes a new section therefor (section 1). The new section is similar to the old in all respects excepting that in place of the phrase “all fines recovered for violations of law within the limits of the lands, roadways or boulevards under its care,” the new section substitutes the following, to wit: “all fines recovered for violation of rules and regulations established by said commission for the government and use of the lands, roadways or boulevards under its care, or for violation of the laws of the Commonwealth within the limits of said lands, roadways or boulevards.”

Having expressly added “fines recovered for violation of rules and regulations established by the commission” to “fines recovered for violations of law within the limits of the lands, roadways or boulevards,” as provided in the repealed section, it was undoubtedly in the mind of the framers of the new statute that the latter expression (which stood alone in the old statute) could no longer be limited in its construction, as indicated in my former opinion, basing this view upon the proposition that the statute would be without meaning if two independent and connecting clauses referred to the same matter.

There is much force in the suggestion. Statutes are not to be construed as being without meaning unless there is no other possible alternative. But I am, nevertheless, of the opinion that the statute of 1901 cannot be construed according to the obvious intent of its framers.

In order to a full understanding of the questions involved, it is necessary to consider some general rules of pleading and practice in criminal law. An offence having no essential connection with the place in which it is committed need not be alleged in criminal pleading as having occurred at any particular place. There must be an allegation of place, but the indictment or complaint is supported if it be shown that the offence was committed within the county. *Commonwealth v. Heffron*, 102 Mass. 148; *Commonwealth v. Kern*, 147 Mass. 595. In framing an indictment for such offences, which comprise by far the greater number of those known to criminal pleading, it is unnecessary to specify the exact locality. By the well-settled rules of criminal pleading, it is sufficient to allege that the offence was committed in a town within the county.

Some offences, it is true, are local in their nature; but even as to them it is usually sufficient to name the town in which they were committed. Common nuisances and liquor nuisances are examples of this class of offences.

This being so, it is obviously impossible for the clerk, whose duty it is to transmit fines recovered, to know the locality in which the crime was committed. As to some, it is often impossible to designate a particular locality, like, for example, the offence of writing and publishing a libel. If the case is tried before the court and the clerk happens to be present, he may learn from the testimony the locality of the offence, but very many cases are disposed of by a plea of guilty, and there is no evidence presented to the court which would give the clerk the desired information.

I am unable to construe a law as intending an impossibility. Upon the construction claimed for the statute in question, it is the duty of the clerk to see that fines recovered for all violations of law committed on the parks and boulevards under the charge of your commission shall be designated as such, in order that they may be paid over in accordance with its terms. This the clerks cannot do; much less can the Treasurer of the Commonwealth, in the absence of information from the clerks of courts, know what fines received by him shall be paid over to the park fund, as required by the statute.

Moreover, the matter of the disposition of fines recovered in criminal proceedings has been the subject of many statutes, general and special. Formerly all fines, in the absence of any special provisions to the contrary, were paid over to the treasurer of the county. Pub. Sts., c. 154, § 34. Much dissatisfaction arose on account of this provision, it being claimed by town officers that in many cases they were required to spend the money of the town to

detect and convict criminals without receiving any reimbursement, the fines imposed going to the county. St. 1891, c. 416, accordingly, provided that fines collected in the superior court should be paid to the treasurer of the county, while fines collected in an inferior court should be paid to the city or town in which the offence was committed. It was deemed that this somewhat arbitrary division would fairly adjust the balance between municipalities and the county in the matter of criminal expenses on the one hand and receipts from criminal cases on the other.

In addition to the general provisions referred to, there are numerous special statutes regulating the disposition of fines. For example, fines imposed for cruelty to animals shall, in certain cases, be paid to the Massachusetts Society for the Prevention of Cruelty to Animals. Pub. Sts., c. 207, § 53. Many statutes provide for the payment of the whole or a portion of fines recovered in certain cases to the informant. Fines imposed for non-support of a wife may, in the discretion of the court, be paid to the wife.

But under the construction claimed, this statute, which is entitled "An act to define the disposition of money received by the Metropolitan Park Commission from rentals and from other sources," contains in its first section a single clause repealing, in certain cases, all the general and special provisions of law above referred to. Clerks of courts, searching the statutes for enactments relating to the performance of their duties, would scarcely expect to find under the above title an act so important to them. I am unable to believe that the Legislature can be deemed to have intended to enact so important a change in existing statutes in this indirect and obscure way.

The only way in which the statute in my opinion can be construed is in accordance with its title. In terms it is entitled an act relating to disposition of moneys *received by the park commission*. Literally construed the section in question is limited to fines collected or received by the commission. Its provisions must be limited to such fines. The fact, if it be a fact, that under existing laws no fines are received by the park commission, renders the law useless. But even this result is preferable to a construction of its terms which would make it a statute impossible to be enforced.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Civil Service — Permanent Service — Probationary Period — De Facto Official.

The retention in the civil service after his period of probation is over, without further appointment, of a certified candidate provisionally appointed, is not a violation of the civil service rules.

Such *de facto* official having been certified as fit by the Civil Service Commission, the requirements of the civil service law are satisfied.

SEPT. 27, 1901.

HON. CHARLES THEODORE RUSSELL,

Chairman, Board of Civil Service Commissioners.

DEAR SIR: — Your letter of July 24 requests the opinion of the Attorney-General upon the following facts: certain men were duly nominated and confirmed as members of the regular police force of Lawrence for the probationary period of six months. The civil service rules were complied with in their appointment. The probationary period has expired. At the end of that period the mayor nominated them for permanent officers, and the board of aldermen refused confirmation. They are still holding office, performing all the duties and receiving pay therefor. Upon these facts your letter requests my opinion upon the following inquiries: —

First. If, at the expiration of the six months' probationary period, a police officer is not permanently appointed, does he cease to be such officer?

Second. Upon the above statement of facts, are these appointees now legally acting as police officers in Lawrence?

I am of opinion that these questions do not concern your Board. The rules have been complied with in their original appointment. It is true that Rule 37 provides that at the end of six months the probationer shall be absolutely appointed or employed, or otherwise to be deemed out of the service; but the fact that the officers in question are continuing to act after the expiration of the probationary period, and without absolute appointment to the regular service, is one which concerns the city of Lawrence and not your commission. There is no violation of the civil service rules. They are acting as *de facto* officials, but, in my opinion, such action does not transgress any rule laid down by the commission. The men serving as such *de facto* officers had been certified by your Board as fit, and the requirements of the civil service law are satisfied.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Public Weighing—Platform Weighing Machine—Sealer of Weights and Measures—Contents of Milk Jars.

A platform weighing machine, publicly placed for the purpose of allowing a person to ascertain his weight upon the payment of a fee, is not used for the purposes of commercial transactions, and is not within the provisions of Pub. Sts., c. 65, requiring weights, measures or balances for the purpose of selling goods, wares, merchandise or other commodities, or for public weighing, to be adjusted and sealed.

A sealer of weights and measures of a city or town has no authority to seal a milk bottle of a size not prescribed by St. 1901, c. 360.

SEPT. 27, 1901.

HON. EDWARD S. BRADFORD, *Treasurer and Receiver-General.*

DEAR SIR:—Your letter of Aug. 27, 1901, requires the opinion of the Attorney-General upon two questions, the first of which is as follows:—

First. Do the provisions of chapter 65, Public Statutes, or acts in amendment thereof or in addition thereto, apply in any way to a platform weighing scale publicly placed for the purpose of allowing a person to ascertain his weight, such weight being registered automatically only upon the payment of a fee?

The provisions of Pub. Sts., c. 65, entitled "Of weights and measures," and the acts in amendment thereof, are intended to secure honest dealing between buyer and seller by assuring to the purchaser the use of correct weights and measures by the seller. The machines referred to in your question are not used for the purposes of commercial transactions. They are, therefore, not within its provisions, and need not be sealed. It is scarcely necessary to say that the expression "public weighing," in the chapter referred to, relates to the weighing by sworn officials appointed for that purpose of commodities which are bought and sold.

Second. Is it lawful for a sealer of weights and measures of a city or town to seal a milk bottle holding a greater or less amount than the authorized variation prescribed by chapter 360, Acts of 1901?

The chapter referred to (St. 1901, c. 360) was intended to authorize the use of glass bottles and jars of certain sizes for the distribution of milk and cream. The sizes so authorized are those containing quarts and divisions and multiples thereof. The statute does not authorize the sealing of jars or bottles of any other size. The duties of the sealer are prescribed by the statute, and he has no authority or discretion to seal any bottles or jars except those specified.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Treasurer of the Commonwealth — Millicent Library Corporation — Investment of Fund.

St. 1893, c. 392, providing that the Treasurer of the Commonwealth may receive and hold in trust the sum of \$100,000 for the benefit of the Millicent Library Corporation, for the purposes of a public library in Fairhaven, in section 3 authorizes the Treasurer to purchase long-time securities at a price above par, using so much of the income as is necessary to pay the premium, in order to keep intact the principal of such fund.

SEPT. 27, 1901.

HON. EDWARD S. BRADFORD, *Treasurer and Receiver-General.*

DEAR SIR: — By St. 1893, c. 392, the Treasurer of the Commonwealth was authorized to receive and hold in trust the sum of \$100,000 “for the benefit of the Millicent Library Corporation, for the purposes of a public library in Fairhaven.” Investments of the fund are to be made under the direction of the secretary of the Board of Education and the Treasurer, — all such investments to be subject to the approval of the Governor and Council. The statute became operative during the current year by the payment of the money to the Treasurer.

Your letter of September 16 states that it is desirable that the fund be invested in long-time securities, — the purchase of which is only possible by the payment of a premium, — and requests the opinion of the Attorney-General upon the question whether the Treasurer is authorized to expend any part of the income of the fund for the payment of a necessary premium to make possible the reinvestment of the fund in long-time securities at a par valuation. The first investment of the fund was in securities at par or less.

Section 3 of the act quoted provides as follows: “. . . The net income of the said fund shall be determined after deducting all necessary and proper expenses incurred in the administration of said fund, and after reserving such amount of the gross income as in the opinion of said commissioners is necessary to maintain the principal of said fund intact.”

This provision, in my judgment, authorizes you to purchase long-time securities at a price above par, using the income so far as necessary to pay the premium, so that only the par value shall be charged to the principal of the fund. There can be no other intelligent interpretation of its meaning.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Insurance—License as Insurance Agent—Corporation.

A corporation is not a "person" within the meaning of St. 1894, c. 522, § 93, cl. 2, as amended by St. 1895, c. 59, § 2, providing that, upon payment of a fee of ten dollars, the Insurance Commissioner may issue to any "suitable person" a license to act as insurance broker.

Oct. 3, 1901.

HON. FREDERICK L. CUTTING, *Insurance Commissioner*.

DEAR SIR:—St. 1894, c. 522, § 93, cl. 2, provides as follows: "The insurance commissioner may, upon the payment of a fee of ten dollars, issue to any person a certificate of authority to act as an insurance broker to negotiate contracts of insurance or reinsurance or place risks or effect insurance or reinsurance with any qualified domestic insurance company or its agents, and with the authorized agents in the Commonwealth of any foreign insurance company duly admitted to do business in the Commonwealth."

By St. 1895, c. 59, § 2, the section above quoted was amended by inserting the word "suitable", so that the commissioner was authorized to "issue to any suitable person" a license as insurance broker.

By St. 1896, c. 448, it was provided that such licenses should be limited to the residents of the Commonwealth, or to residents of other States who granted like certificates to residents of this State.

Notwithstanding the able and ingenious brief by the attorney for the corporation, petitioning for a license as an insurance broker, I am of opinion that under this statute the Insurance Commissioner is not authorized to issue a license as an insurance broker to a corporation organized under the laws of the State of Maine doing business in this Commonwealth. There are many expressions throughout the insurance statutes which appear to me to show that the Legislature intended a personal license. Among the most conclusive is section 111, which provides that a licensed insurance broker who does certain things "shall be deemed guilty of simple larceny." If I understand the meaning of the word "larceny" it is not possible for a corporation, as such, to be guilty of that crime. Obviously, if this be so the Legislature had in mind natural persons only as licensed brokers.

I have not overlooked the fact that it was held by the supreme judicial court in *Enterprise Brewing Co. v. Grimes*, 173 Mass. 252, that a corporation may be licensed to sell intoxicating liquor. The determination of that case, however, was based chiefly upon the

provisions of the statute under which such licenses are granted, and the reasoning of the opinion does not apply to the statute now under consideration.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

State House — Elevators — Local Inspection.

The elevators in the State House, so long as they are in charge of officers of the Commonwealth designated therefor by the Legislature, are not within the provision of St. 1901, c. 439, that certain construction work and devices therein required shall, in the city of Boston, be approved by the building commissioner.

Nov. 16, 1901.

Maj. CHARLES G. DAVIS, *Sergeant-at-Arms*.

DEAR SIR:—Under St. 1901, c. 439, amending St. 1894, c. 481, it is provided that all elevator cars “shall be provided with some suitable mechanical device whereby they will be securely held in the event of an accident to the shipper rope or hoisting machinery, or any similar accident.” The statute contains other provisions looking to the safety of elevator passengers. It further provides that the construction work and devices so provided for shall be approved in the city of Boston by the building commissioner.

Your letter of November 5 requires the opinion of the Attorney-General upon the question whether this statute is applicable to the elevators in the State House.

The State House is the property of the Commonwealth, in charge of officers authorized thereto by the Legislature of the Commonwealth. It is not to be presumed that police regulations of the character in question are intended to be applicable to officers of the Commonwealth or to the property of the Commonwealth; nor that the Legislature, by such enactments, intended to limit the authority of the Commonwealth over its own property, or to provide that a local officer should supervise the doings of its own servants. See 1 Op. Attorney-General, 290; Attorney-General's Report, 1899, page 50.

In my opinion, the elevators in the State House, so long as they are in charge of officers of the Commonwealth provided by the Legislature, are not within the provisions of the statute in question.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Citizen — Unnaturalized Resident of a City.

An unnaturalized alien, resident in a city of this Commonwealth, is not a "citizen" thereof.

Nov. 16, 1901.

J. F. LEWIS, M.D., *Superintendent, State Adult Poor.*

DEAR SIR:—The trustees of the Dickinson Hospital of Northampton have voted that the free benefits of the hospital shall be applied to those persons "who are citizens who have legal settlements in the towns of Northampton, Hatfield and Whately."

A patient was admitted to the Dickinson Hospital who was of age, a native of Ireland, who came to the United States in June, 1900, and has lived in Northampton since. Your letter of October 18 requires the opinion of the Attorney-General upon the question whether he was within the provisions of the vote above quoted.

The person in question was not a citizen of Northampton and had no legal settlement therein. He was not even a citizen of the United States. A resident is not necessarily a citizen.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

Civil Service — Chief Superintendent — School-house Custodian in the City of Boston.

An officer with the title of "School-house custodian," appointed by the school committee of the city of Boston, whose duties are "the general supervision of janitors and the care of school property, excepting that which comes within the jurisdiction of the committee of supplies," is not a chief superintendent of any department, and is therefore within and subject to the civil service rules.

Nov. 16, 1901.

HON. CHARLES THEODORE RUSSELL,

Chairman, Civil Service Commission.

DEAR SIR:—Your letter of October 26 submits the question whether a person appointed by the school committee of the city of Boston to the position of school-house custodian is within the civil service rules.

It appears by a letter from the secretary of the school committee that the duties of the officer in question are "the general supervision of janitors and the care of school property, excepting that which comes within the jurisdiction of the committee on supplies." The authority of the school committee to choose such an officer is found in St. 1875, c. 241, § 4, authorizing the board to choose "such other subordinate officers as they may deem expedient, and shall define their duties."

The officer in question is clearly within the civil service rules, — Rule 6, Schedule B, Class 12; to wit: “Superintendents, assistant superintendents, deputies and persons other than the chief superintendents of departments, performing any of the duties of superintendent in the service of any city of the Commonwealth.” The officer in question is not a “chief superintendent” of any department within the construction of this rule adopted in the opinion of the Attorney-General dated June 27, 1901, but is a person performing some of the duties of superintendent.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Civil Service — Provisional Appointments.

Where provisional appointments are made to fill the places of men appointed from the certified list furnished by the Civil Service Commission, and immediately suspended, such appointments are illegal.

HON. CHARLES THEODORE RUSSELL,

Nov. 16, 1901.

Chairman, Civil Service Commission.

DEAR SIR:—Your letter of October 8 requires the opinion of the Attorney-General upon the question whether the action of the superintendent of streets of Boston in appointing certain persons, in April of this year, to be inspectors of paving of the city of Boston, was legal.

The facts as stated in your letter were that after making requisition upon the commission for twenty names of persons to be appointed to the position in question, and receiving a list of twenty, from which list it was his duty to appoint twelve, he purported to comply with the rules of the commission by appointing the required number, immediately suspending them and proceeding to fill the vacancies by provisional appointments.

There can be no doubt that such action was illegal. It was a mere device to evade the law, and the provisional appointments so made were illegal.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Trade-mark — Filing and Recording — Identical Trade-marks.

It is the duty of the Secretary of the Commonwealth, under St. 1895, c. 462, § 1, to refuse to receive or record a label which has already been recorded, notwithstanding the fact that the class of goods dealt in may be wholly dissimilar to the merchandise specified in the former application.

DEC. 5, 1901.

HON. WILLIAM M. OLIN, *Secretary of the Commonwealth.*

DEAR SIR:—The expression “The Klondike” has been duly recorded by a person carrying on business in this Commonwealth, as a label. In his certificate he specifies as follows: “General class, wearing apparel; particular description, suspenders.”

Since the filing of this label, application has been made for the recording of the same term as a label, by a person who declares that he intends to appropriate it to overcoats.

The question submitted is whether it is your duty to receive and file the latter application.

I am of opinion that the words of the statute are so far controlling as to forbid you to receive and record a label which has already been filed and recorded, notwithstanding the fact that the class of goods dealt in may be wholly dissimilar to the merchandise specified in the former application.

St. 1895, c. 462, § 1, as amended by St. 1899, c. 359, § 1, permits the adoption of a label “not previously owned or adopted by any other person,” and the latter part of the same section provides that the Secretary shall not record any label that would reasonably be mistaken for a label already on record. If these provisions be literally construed, the second applicant is not entitled to have his label recorded.

I am aware that section 1 above quoted provides that the certificate of the applicant shall specify not only his class of business, but also “the class of merchandise and the particular description of goods comprised in such class to which” the label has been or is intended to be appropriated. If this provision stood alone, it might reasonably be argued that the applicant would be entitled to use his label exclusively only for the particular class of goods named in the certificate.

But in view of the express provisions of the statute above quoted, I think that the provision requiring a specification of the class of business and the particular goods in the class must be intended as an identification and method of proof as to the use of the label rather than as a limitation upon the ownership of it. If, for example, one should register a label without specifying upon what goods he had used or intended to use it, it might be difficult to determine whether his allegation of previous use were true. This construction reconciles the whole section and simplifies your duties.

It follows that having ascertained that the label now claimed has already been recorded, it is your duty to refuse to act upon the later application. See 1 Op. Attorney-General, 100.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General.*

State Paupers — Aid Furnished by Cities and Towns — Rendering of Bill — Notice.

The rendering to the Commonwealth of a bill for aid furnished by a city or town to a State pauper, as required by Pub. Sts., c. 86, § 43, does not terminate the liability of the Commonwealth to make reimbursement therefor so as to require a new notice from such city or town if the aid is thereafter continued.

DEC. 23, 1901.

J. F. LEWIS, M.D., *Superintendent, State Adult Poor.*

DEAR SIR: — St. 1898, c. 425, § 5, amending Pub. Sts., c. 84, § 18, provides as follows: "A city or town may furnish aid to poor persons found therein, having no legal settlement within the state, if the overseers of the poor deem it for the public interest; but except in case of sickness, not for a greater amount than two dollars a week for each family during the months of May to September inclusive, or three dollars a week for the months of October to April inclusive, and the overseers shall in every such case give immediate notice by mail to the state board of lunacy and charity, which board shall examine the case, and should they direct discontinuance, shall remove such persons to the state almshouse or to any state or place where they belong, when the necessities of such persons or the public interest require such removal."

This section is in harmony with the general policy of legislation in Massachusetts in the matter of public aid to persons in distressed circumstances, which aims to secure immediate relief, leaving the question of liability to be thereafterwards determined. It further exemplifies another well-established principle in the pauper legislation, which is, that persons in distress shall not be removed to public almshouses until it clearly appears that such removal is necessary. It is the duty of municipal authorities, both under this and under other statutes, to render aid at once. When the person so relieved is unsettled, notice of such aid is to be given forthwith to the Commonwealth, in order that the charge may be properly made to the State, and the question of removal is left to the decision of the State Board; and the liability of the State to the municipal authorities continues under the statute until the person is no longer in need of assistance or until the State causes the person so relieved to be taken to one of its almshouses.

In the case submitted by your letter of August 8, a poor person was first assisted by the authorities of the town Dec. 22, 1900; notice was forthwith given to the Commonwealth; no removal was ordered by the State Board, and the assistance was continued until

Jan. 15, 1901; and a bill for assistance during that time has been rendered to the State by the town authorities.

It would be clear, but for one circumstance which will be hereafter considered, that under these circumstances due notice having been received by the State, and no action looking to the removal of the pauper having been taken, the State would be liable for the entire bill. The question is raised, however, by your letter, whether the State is liable after Dec. 31, 1900, no new notice having been given by the town after that date.

Whatever doubts exist upon the liability of the State arise upon the consideration of Pub. Sts., c. 86, § 43, which provides as follows: "All accounts against the commonwealth for allowance to counties, cities and towns, on account of state paupers, shall be rendered to the state board on or before the third Wednesday of January annually; and shall be so made as to include all claims for such charges up to the first day of said January, and, if approved by the board and certified by the auditor of accounts, shall be paid from the treasury of the commonwealth."

It is suggested that if a bill be rendered by the town, including all charges up to December 31, in compliance with this statute, such a bill is presumed to be the closing of the account, and, consequently, the termination by the town of temporary assistance, so that if such assistance be continued beyond that period a new notice to the State is necessary.

I am unable to appreciate the force of this contention. It may be conceded that under ordinary circumstances the rendering of a bill on behalf of the municipality is by implication a notice that the assistance by the town has terminated, so that if the town be called upon again to furnish assistance a new notice is necessary. But a bill rendered in obedience to the statute last quoted carries with it no such inference. The purpose of the statute obviously is to enable the Treasurer to make up a financial statement of the accounts of the Commonwealth for the year, so that all outstanding liabilities up to that time may be known; and the rendering of a bill in compliance with this statute cannot be taken to have any further significance. It is merely a statement that up to that date the State is indebted to the town in the amount stated, and nothing more. If, by way of illustration, a State required bills to be rendered monthly, it would hardly be contended that compliance with such a statute would make it necessary that a new contract of liability should be made after the rendering of the monthly bill.

No unexpected liability can be said to devolve upon the Commonwealth by the failure of the town to give a new notice after the end of the year. After the original notice is given, the authori-

ties of the Commonwealth are presumed to be fully informed of the circumstances of the case, and of the condition of the pauper; and if they have determined not to remove the person assisted, it is for the reason that they deem it expedient to allow him to remain in the place where he is assisted. The mere fact of a bill being rendered because of a statute requirement to that effect does not change the situation and cannot operate to discharge the Commonwealth of its responsibility for the pauper.

I am of opinion, therefore, that the Commonwealth continues liable, notwithstanding the rendering of the bill required by Pub. Sts., c. 86, § 43.

The same considerations apply to a case arising under what is commonly called the Sick State Poor Law.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Great Ponds — Title to Islands — Board of Harbor and Land Commissioners.

The title to islands within the area of great ponds is, in the absence of any grant from the Legislature, or from the freemen of a town, prior to 1647, in the Commonwealth, and the duties of the Board of Harbor and Land Commissioners relating to such islands are prescribed by Revised Laws, c. 96, § 3.

JAN. 7, 1902.

HON. WOODWARD EMERY,

Chairman, Board of Harbor and Land Commissioners.

DEAR SIR:—Your letter of October 8 states that the Board of Harbor and Land Commissioners desires to be informed “whether or not islands in great ponds to which no private individual has title are property of the Commonwealth, with reference to the possession of which this Board has a duty to perform.”

The term “great pond” has been used in the statutes of the Commonwealth from time immemorial. It originally signified an inland body of water consisting of ten acres (Colony Ordinance of 1647); but this area was subsequently increased, in the case of the public right of fishing, to twenty acres (St. 1869, c. 384. § 7).

The original grants from the king, in the case of the Colony of Plymouth and the Colony of Massachusetts Bay as well, gave to the colony the title to all lands within the Commonwealth, including great ponds. This provision was also incorporated into the charter of the Province of Massachusetts Bay, and the title to such lands and ponds, unless previously parted with, was, both before and after the Revolution, in the State. “These charters [the

several charters to the colonies and the Province] vested in the grantees not only the right of soil, but also large powers of government and the prerogatives of the crown in the seashores, bays, inlets, rivers and other property which were held from the use and benefit of all the subjects." *Watuppa Reservoir Co. v. Fall River*, 147 Mass. 548, 554. See also *Commonwealth v. Roxbury*, 9 Gray 451, 483; *Commonwealth v. Alger*, 7 Cush. 53.

From a very early period the law of Massachusetts has treated great ponds as of a character closely resembling tide waters, the enjoyment of which for fishing, fowling and other purposes was common to all, and the title in and lands under which could not be made the subject of private ownership without special grant from the Legislature. *Paine v. Woods*, 108 Mass. 160; *Ancient Charters*, 148, 149. See also *Commonwealth v. Vincent*, 108 Mass. 441; *West Roxbury v. Stoddard*, 7 Allen 158. Thus it was provided in the Colony Ordinance of 1641 that every inhabitant should have free fishing and fowling in any great ponds . . . within the precincts of the town where they dwelt, unless the freemen of the town or the general court had provided otherwise. *Body of Liberties*, 1641. Later, it was provided that no town should appropriate to any person or persons any great pond containing more than ten acres. Ordinance of 1647.

These ordinances applied to all great ponds exceeding ten acres in area which in 1647 had not been appropriated to particular persons, either by the freemen of the town or by the General Court. *West Roxbury v. Stoddard*, *supra*. The Commonwealth therefore owns the great ponds as public property held in trust for public purposes. It has the ownership of the soil, including, obviously, the soil of islands within the area of such ponds, and also the right to control and regulate the public uses to which the ponds shall be applied. *Watuppa Reservoir Co. v. Fall River*, 147 Mass. 557. In such ponds a grant bounded by the pond extends only to low-water mark. *Waterman v. Johnson*, 13 Pick. 261, 265; *Paine v. Woods*, 108 Mass. 160. The proprietors of land bordering upon the ponds have no rights in the soil or in the waters, unless it be by grant from the Legislature. *Watuppa Reservoir Co. v. Fall River*, 147 Mass. 557.

It follows that the title to lands in great ponds is, in the absence of any grant from the Legislature or from the freemen of a town, prior to 1647, in the Commonwealth. Being lands the title to which is in the Commonwealth, the duties of your Board relating to the same are prescribed by Revised Laws, c. 96, § 3.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Employee of Commonwealth — Salary — Additional Compensation.

An employee of the Commonwealth, who receives a salary from the State treasury, cannot legally receive additional compensation for work performed during the hours of employment for which such salary is paid.

JAN. 7, 1902.

RUFUS R. WADE, Esq., *Chief of Massachusetts District Police.*

DEAR SIR:—The opinion of the Attorney-General is desired upon the following state of facts: A clerk in the boiler inspection department of your office receives a salary of \$600 a year from the State treasury, "said sum to be paid out of the proceeds of the fees received from examinations of applicants for licenses as engineers and for inspection of boilers," St. 1898, c. 219. She has also been employed by you for clerical work in connection with the sale of forfeited liquors, for which she receives compensation at the rate of \$33 per month. This work is done during the regular hours of business, that is to say, during the time for which she is supposed to be compensated by the salary of \$600 a year. The question submitted is, whether she may lawfully be so employed.

I am not troubled by the provision in the Revised Laws, c. 18, § 11, that "a person shall not at the same time receive more than one salary from the treasury of the Commonwealth." The undoubted intention of that statute was to prevent a person from being employed in two positions at the same time, receiving salary from each one. It does not prevent the payment of compensation for extra services not rendered during the usual hours of employment in the position for which the person is employed. It has been the immemorial practice in the State House to permit the employment of those receiving salaries, during extra hours and for extra compensation. This, of course, would not apply to general State officers, but only to clerks whose contract ordinarily is for services during regular office hours. Moreover, although the compensation paid in this case is deducted from the amount eventually paid into the State treasury, the compensation paid to the clerk in question is not paid "from the treasury of the Commonwealth," as provided in the statute.

But, upon another ground, I am of opinion that the employment is unauthorized. The salary paid is for certain hours of work each business day. Revised Laws, c. 6, § 58, provides that "salaries payable from the treasury shall, unless otherwise provided, be paid on the first day of each month, and shall be in full for all services rendered to the Commonwealth by the persons to whom they are paid." This section is to be construed as meaning that the

salary shall be in full for all the services rendered in the position for which the person receiving the salary is employed, and does not prohibit paying compensation for extra services having no connection with the duties of that position. It is, however, inconsistent with the employment of a person in two capacities during the time when the person so employed is presumed to be engaged in the discharge of the duties of the office for which the salary was paid.

For this reason I am of opinion that the person in question cannot be paid for services rendered during the time for which she is employed under the salary payable from the State treasury.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

Gas Company—New England Gas and Coke Company—Unincorporated Association—Manufacture of Gas—Returns to Gas and Electric Light Commissioners.

The New England Gas and Coke Company, an unincorporated association of individuals, engaged in the manufacture and sale of gas to certain corporations for the purpose of sale and distribution to the public by the latter, is not itself engaged in the business of the sale and distribution of gas to consumers, and therefore is not subject to the jurisdiction of the Gas and Electric Light Commissioners in the matter of the returns prescribed by Revised Laws, c. 121.

JAN. 7, 1902.

HON. FORREST E. BARKER,

Chairman, Gas and Electric Light Commissioners.

DEAR SIR:—In a letter to you dated Jan. 26, 1899, I had the honor to advise your Board that in my opinion it had no jurisdiction to require the New England Gas and Coke Company to make the annual returns to the Board required by the statutes of gas companies, or to furnish information touching the condition, management and operation of the company. This opinion was based upon the facts then submitted by your Board, to wit, that the company in question was not a corporation, but only an association of individuals, and that it was not then engaged in the manufacture of gas.

It now appears, however, that the company has installed a plant, and is engaged, and during the past year has been engaged, in the manufacture and sale of gas; but it further appears that its entire product is sold and delivered on its premises to the Massachusetts Pipe Line Company, which in turn sells and delivers the gas so received to companies in the city of Boston engaged in the sale and

distribution of gas to consumers. The opinion of the Attorney-General is required, upon this state of facts, as to the liability of the company under the provisions of the statutes relating to gas and electric light companies, Revised Laws, c. 121. Certain of the provisions of that chapter are by section 41 made applicable to "all persons owning or operating works for the manufacture and sale of gas for heating or illuminating purposes within the Commonwealth." Although the business of the company in question is to not sell its product directly for heating or illuminating purposes, but to a corporation for the purpose of sale and distribution by that corporation for those purposes, and is therefore not strictly within the terms of section 41, yet, for the purposes of this opinion, I assume that the language of the section is broad enough to include the individuals composing the company in question. They are an association of individuals not forming a corporation, engaged in the manufacture and sale of gas intended to be used for heating or illuminating purposes; and, if the statute is to be taken literally, they are bound to make returns to your Board, to permit inspection of their books, to furnish information as to the conduct of their business, and are subject to the orders of the Board as to the quality of gas furnished by them and as to the price to be charged by them therefor.

Upon the facts submitted, however, I am of opinion that they are not within the scope of the statutes. I am led to this conclusion by a consideration of the purpose and justification of the statutes of the Commonwealth relating to the subject.

I do not deem it necessary to rest the justification for the regulations exercised by your Board over gas companies upon the proposition that they derive their authority from the Commonwealth, and are therefore under its control as to the conduct of their business. Speaking for myself, I see no reason why a corporation, whose charter is expressly made subject to all provisions of general laws, does not thereby contract that it will be governed by such provisions, at whatever cost to itself. I am aware, however, that the weight of authority is that regulation by the State must stop short of anything approaching that which may result in partial or total confiscation of its property, even though such confiscation be, by implication, within the powers conferred by the statutes to which, under its charter, it is made subject.

But there is another principle of law which amply sustains the authority of the Legislature to make the regulations contained in the statutes relating to gas and electric light corporations. Under our frame of free government, the Legislature has rarely attempted to regulate or in any way to interfere with the business of the

individual, or to restrain or in any way to regulate the conduct of his affairs. This principle extends in general to corporations which have no special relations with the public. But there is a class of corporations, sometimes termed "quasi-public," but which are more accurately termed "public-service" corporations, as to which the Legislature has undertaken to regulate their business, so far as such business relates to the public. Among these are corporations operating steam or electric railways, those engaged in telegraph or telephone business, and corporations carrying on the business of selling and distributing gas and electricity for heating and illuminating purposes. It is not accurate to say of such that they serve the public. In a general way a grocer may be said to serve the public, because he sells to all who come to his store. But he may discriminate, and may refuse to sell only to such as he chooses. The public-service corporations, on the contrary, undertake to serve all members of the community who have occasion to avail themselves thereof. In this respect they are analogous to innkeepers and common carriers, whose business from time immemorial has been subject to statutory regulation.

But the relations of public-service corporations to the public are closer even than those of common carriers and innkeepers, for the reason that the former enjoy franchises in public ways which could not lawfully be granted to private individuals, or have the right to take land of private individuals by condemnation proceedings for the purposes of their business. By reason of these rights they enjoy a practical monopoly, either in fact or by law, of the business in which they are engaged. In consideration of these rights, they must undertake to serve the public indiscriminately.

I am aware that in the case of *Commonwealth v. Lowell Gas Light Company*, 12 Allen, 75, there is a *dictum* of Chief Justice Bigelow, as follows: "They (gas companies) are not bound to sell and dispose of it (their product) to any one either for public or private use or consumption." This statement, however, has not been followed in later decisions, and in the case of *Evans v. Boston Heating Company*, 157 Mass. 37, and in the *Opinion of the Justices*, 155 Mass. 598, the soundness of this *dictum* is by implication questioned; and it may be doubted whether, if the question were presented directly, the court would not now hold that a gas company in the enjoyment of public rights could not refuse to sell its product to any member of the community complying with its reasonable regulations. But, however that may be, all doubts as to the duties of gas companies are settled by the statutes. Revised Laws, c. 121, gives such companies, by section 26, a practical monopoly of the streets occupied by them for the purposes of their

business; and section 33 authorizes your Board to compel them to furnish their product to any person or corporation applying therefor.

Being thus in the service of the public, and in the enjoyment of a legal or actual monopoly, there can be no doubt of the right of the Legislature to enact regulations for the protection of the customer. There are many such regulations. Among other things, your Board may prescribe how their books and accounts shall be kept (section 29); it may require a gas company to supply its product to a resident of the city within which it is located (section 33); it may make such regulations as it deems proper with relation to the quality or price of gas furnished (section 34) and every gas company must furnish to the Board a sworn statement, with such details as the Board may require, of its indebtedness and financial condition, the amount of its dividends, the names of its salaried officers and the amount of salary paid to each (section 31). It may also at any time investigate the affairs of a gas company, examine its books and inquire into the conduct of its business. Such regulations would be intolerable as applied to a private individual carrying on business not connected with the public, but they are amply justified upon the considerations stated.

For the same reasons, individuals who enjoy public rights and undertake to carry on the business of selling and distributing to consumers are properly made subject to the same regulations.

But when there is no possible relation between the gas manufacturer and the public, the justification for the regulation so imposed is entirely wanting. Whether it was the purpose of the Legislature to make the regulations imposed applicable to all incorporated gas companies, whether actually engaged in the business of manufacturing and selling gas, it is unnecessary to determine. But it is not to be presumed, unless the intention be clearly expressed, that it was the purpose of the Legislature to impose upon an individual enjoying no public rights, and having no relations with the public, a supervision so extraordinary and minute. The company in question has no rights in public highways; it makes no contracts and fixes no price with consumers. There is no more occasion for supervision of their doings, in my judgment, than there would be in supervising the condition and operation of a coal company which supplies to a gas company the material for producing its gas. The purposes for the enactment of the statute entirely fail, and, while there is no express exception, it is, nevertheless, in my opinion, a reasonable construction of the law to hold that it was not intended to cover a case like the present.

It may be contended that this construction of the law operates to prevent your Board from ascertaining the cost of the gas furnished to the citizens of Boston by the companies distributing it. Even if this objection were well taken, it is one which is to be dealt with by the Legislature. But I see no such difficulty. It is to be presumed that the commission is able to ascertain, either upon its own knowledge or by the evidence of suitable experts, what the gas furnished by the Boston companies ought to cost, and to regulate the price accordingly. If the gas company has made an improvident bargain with the New England Gas and Coke Company, that is a matter which does not concern your Board, and they must suffer the loss if the reasonable price of gas be fixed by the Board at such a rate as makes it a losing contract. In other words, if they are incorporated for the purpose of manufacturing gas, they must sell gas at what it ought to cost them to manufacture it, *plus* a reasonable profit. If they see fit to employ another person or association of persons to make their gas for them, your duty is not altered thereby. It is not to investigate the business of the contractor, but to regulate the price of the gas supplied by the distributing company, regardless of their private contract with the manufacturer.

I am of opinion, therefore, that the association of individuals known as the New England Gas and Coke Company, not being engaged in the business of the sale and distribution of gas to consumers, is not subject to the jurisdiction of your Board.

Very truly yours,

HOSEA M. KNOWLTON, *Attorney-General*.

OPINIONS UPON APPLICATIONS FOR LEAVE TO FILE
INFORMATIONS IN THE NAME OF THE
ATTORNEY-GENERAL.

ATTORNEY-GENERAL *v.* SELECTMEN OF HOLLISTON.

Member of Political Party — Caucus — Registrar of Voters.

A member of one of the principal political parties does not sever his connection therewith by participating in a caucus of another party and voting for certain candidates therein nominated, and his appointment to represent such party as registrar of voters is not illegal.

Nov. 16, 1901.

This was an application to the Attorney-General to file a petition for a writ of mandamus against Eugene A. York, a member of the board of registrars of Holliston, who was appointed by the selectmen as a Democrat under the provisions of St. 1898, c. 548. Two others of the four members of the board were conceded to be Republicans. The petition claimed that said Eugene A. York is, and, at the time of his appointment was, a Republican, and that there being two other Republicans upon the board previously appointed, it was and is the duty of the selectmen to remove him. The petition was promoted by members of the Democratic town committee. They had previously petitioned the selectmen to remove said registrar, and the petition had been refused by the selectmen after a hearing.

The facts as they appeared at the hearing were practically not in dispute. Eugene A. York, the registrar in question, had been a Democrat in regular standing for many years as far back as the time of the civil war, and had continuously voted the Democratic ticket, and taken part in the work of the party, up to the fall of 1900. He was a member of the Democratic town committee of Holliston for the three years ending in 1897.

In the fall of 1900 he was present at and participated in a Republican caucus held in Holliston for the nomination of candidates for the State ticket. His purpose was to secure the nomination of a friend of his who was a candidate for nomination upon the Republican ticket. The person he voted for was nominated, and York voted for the candidate so nominated at the State elec-

tion. Otherwise he voted the Democratic ticket. In the spring of 1901, at a Republican caucus held for the nomination of candidates for town offices, he again participated, and for a similar purpose. He declared at the hearing, however, and the statement was not challenged, that it was his purpose to vote at the coming election for all the candidates of the Democratic party upon the State ticket.

St. 1898, c. 548, § 91, provides that no person having voted in the caucus of one political party shall be entitled to vote or take part in the caucus of another political party within the ensuing twelve months. The position of the petitioner is that under the provisions of this statute York is estopped from claiming to be a Democrat. But I am unable to construe the provisions relied upon so narrowly. The purpose of the statute, in my opinion, is to prevent one person from participating in the caucuses of two political parties, and the consequent opportunities for fraud and confusion which might result therefrom. It is not intended to define conclusively the political status of the voter.

The statute relating to the appointment of registrars intends that they shall be composed of men of different political parties. It is well known that oftentimes a member of a political party may disagree with some of its principles and may refuse to vote for some of its candidates. The history of the Democratic party during the last four years is a sufficient illustration of this proposition. A man does not necessarily cease to be a Republican because he votes occasionally for a Democratic candidate or because he is unable to subscribe to some particular plank in the platform of his party. If, on the whole, he allies himself continuously with one of the principal political parties, he is, in my judgment, to be deemed a member of that party within the meaning of the statute under consideration. *Jaquith v. Wellesley*, 171 Mass. 138. In this case the registrar complained of acted irregularly in voting in a Republican caucus; but while it may be true that an appointment might and perhaps should have been made of a man more in sympathy with his party associates, I see no reason to suppose that the courts would declare the appointment illegal. I therefore decline to sign the petition.

HOSEA M. KNOWLTON, *Attorney-General*.

Charles J. Flagg, for petitioner.

Joseph Dexter, for respondents.

ATTORNEY-GENERAL v. STOUGHTON & RANDOLPH STREET RAILWAY COMPANY.

Information — Attorney-General — Forfeiture of Charter — Wrong to Public.

The Attorney-General will not sign an information in equity for the forfeiture of the charter of a street railway corporation where the alleged illegalities are slight and technical in their nature, and the public suffers no substantial wrong therefrom.

JAN. 6, 1902.

This was an application to the Attorney-General for the filing of a bill in equity by him against the Stoughton & Randolph Street Railway Company for the forfeiture of its charter, and to restrain it from occupying the highways of said towns with its rails and cars.

It appeared at the hearing that the company in question was organized under general laws, on the eighteenth day of July, 1899, and a location was granted to it by the municipal authorities. Under the provisions of the statutes of the Commonwealth the corporate powers of a street railway company cease unless, within eighteen months from the date of its certificate of establishment, it has built and put in operation some portion of its road. (R. L. c. 112, § 28.) This limitation expired Jan. 18, 1901. By St. 1901, c. 144, this time was extended to the first day of August, 1901. On the latter date a portion of its tracks had been laid, and a car drawn by horses had made trips over the portion of the road so constructed. It was not pretended that such trips were made for the accommodation of the public. Indeed, it was conceded at the hearing that whatever was done in the way of operating cars prior to Aug. 1, 1901, the last date of limitation, was done by the company not for the purpose of serving the public, but solely for the purpose of saving its corporate rights; and, if I deemed it necessary to find whether there had been any substantial compliance with the provisions of the statute, I should be constrained to find against the company.

It further appeared that on the eleventh day of August, 1900, the selectmen declared that the location of the road was forfeited by its failure to comply with the conditions of the location. It was not disputed that certain of the conditions set forth in the location had not been complied with in form or in substance; but it appeared that subsequently the selectmen attempted to revive the location and to waive the non-performance of the conditions of the original location, without further notice, hearing or adjudication, as provided by the statutes in the case of original locations.

Upon these facts the petitioners contended, first, that its charter was forfeited; and, second, that its present location was void, and that it had no right upon the streets.

I do not deem it necessary to pass upon the many and interesting questions of law raised by the counsel for the petitioners upon these facts, for, in my opinion, I am not called upon to exercise the discretion vested in the Attorney-General in cases of this character in favor of the petitioners. It appears that, in so far as they had a right, the selectmen have waived all non-performance of conditions which had invalidated the location of the company, and have imposed certain new conditions, which have been accepted, and are content with the situation. In pursuance of its agreements with the selectmen of the several towns, it has completed the construction of its tracks, to the satisfaction of the Railroad Commissioners, and for some time the company has been operating its road regularly with electric cars, and in a manner to accommodate the travelling public.

Upon these facts, and in the absence of any complaint from the town authorities, or even from the abutters (if it be conceded that they have any ground of complaint to this office), I am of opinion that the signing of this information would not accomplish any useful public purpose. It is true that in many cases proceedings may be properly instituted against individuals and corporations who are doing acts prejudicial to the rights of the public, even though the proceedings be asked for by persons who have private interests only to subserve. But in this case no substantial wrong is being done to the public. The road is being operated for the accommodation of travellers substantially upon the location granted by the selectmen, and in accordance with the purpose of its original charter. Whether it is technically in the legal exercise of its privileges is not a question which, in my opinion, the Attorney-General is called upon to submit to the consideration of the courts.

The application is therefore refused.

HOSEA M. KNOWLTON, *Attorney-General*.

Harvey H. Pratt, for the petitioners.

A. J. Selfridge, for the respondent.

LIST OF CASES

IN WHICH THE

ATTORNEY-GENERAL

HAS APPEARED

DURING THE YEAR 1901.

INFORMATIONS.

1. AT THE RELATION OF THE TREASURER AND RECEIVER-GENERAL.

(a) For the non-payment of corporation taxes for the year 1900, informations were brought against the —

Adams Print Works. Enjoined.

Agawam Ice Company. Tax paid and information dismissed.

American Bell Telephone Company. Pending.

American Cultivator Publishing Company. Tax paid and information dismissed.

Austin Furniture Company. Tax paid and information dismissed.

B. L. Briggs Company. Tax paid and information dismissed.

Bay State Chair Company, Incorporated. Tax paid and information dismissed.

Bay State Mercantile Company. Enjoined.

Bay State Metal Works. Tax paid and information dismissed.

Beach and Clarridge Company. Tax paid and information dismissed.

Boston Paving Company. Tax paid and information dismissed.

Boston Traveller Company. Tax paid and information dismissed.

Cape Ann Granite Railroad Company. Enjoined.

Charles A. White Company. Tax paid and information dismissed.

Chelsea Express Despatch Company. Tax paid and information dismissed.

Childs & Kent Express Company. Tax paid and information dismissed.

Cobb-Eastman Company. Tax paid and information dismissed.

Columbia Engraving Company. Tax paid and information dismissed.

Consolidation Steamboat Company. Tax abated and information dismissed.

Craig and Craig Company. Tax paid and information dismissed.

Cunningham Engineering Company. Tax abated and information dismissed.

Cunningham Lumber Company. Tax paid and information dismissed.

- Damon Brick Company. Tax paid and information dismissed.
- Dudley Feed and Mills Company. Tax paid and information dismissed.
- E. H. Saxton Company. Tax paid and information dismissed.
- Eastern Printing and Engraving Company. Tax paid and information dismissed.
- Easton Street Railway Company. Tax paid and information dismissed.
- Essex Paper Company. Tax paid and information dismissed.
- Floyd Rounds & Co., Corporation. Enjoined.
- Franklin Educational Company. Tax paid and information dismissed.
- Garratt-Ford Company. Tax paid and information dismissed.
- George H. Corbett Company. In bankruptcy. Tax paid.
- George P. Staples & Co., Incorporated. Tax paid and information dismissed.
- Henry C. King Company. In bankruptcy. Tax paid.
- Hub Express Company. Enjoined.
- International Copper Syndicate Company. Enjoined.
- Interstate Law Company. Tax paid and information dismissed.
- Iowa Light, Heat and Power Company. Tax paid and information dismissed.
- J. E. Peckham Manufacturing Company. Tax paid and information dismissed.
- J. P. & W. H. Emond, Incorporated. Tax paid and information dismissed.
- John D. Mack Machine Company. Enjoined.
- Kearns & Co., Incorporated. Tax paid and information dismissed.
- Kelly Shoe Company. Tax paid and information dismissed.
- Kimball Brothers Company. Tax paid and information dismissed.
- L. C. Richardson Company. Enjoined.
- Lang & Jacobs Company. Tax paid and information dismissed.
- Martha's Vineyard Electric Light and Power Company. Tax paid and information dismissed.
- Massachusetts Investment Company. Tax paid and information dismissed.
- McLean Shoe Company. Tax abated.
- Medway Electric Light and Power Company. Tax paid and information dismissed.
- Metropolitan Bolt Company. Tax paid and information dismissed.
- New England Motor Company. Tax paid and information dismissed.

Norfolk Western Street Railway Company. Tax paid and information dismissed.

Noxon Manufacturing Company. Enjoined.

Olympic Amusement Company. Tax paid and information dismissed.

R. H. Long Shoe Manufacturing Company. Tax paid and information dismissed.

Re-New Lamp Company. Tax paid and information dismissed.

Reycroft Pharmacy Company. Pending.

Rolf Provision and Grocery Company. Tax paid and information dismissed.

Seymour-Knapp-Warren Company. Tax paid and information dismissed.

Springfield Elevator and Pump Company. Tax paid and information dismissed.

T. F. Little Oil Company. Tax paid and information dismissed.

Thomas F. Phillips Company. Tax paid and information dismissed.

W. E. Rice Company. Tax paid and information dismissed.

Wachusett Mills. Tax paid and information dismissed.

Walnut Publishing Company. Unable to get service.

Ware Street Railway Company. Unable to get service.

Weymouth & Braintree Publishing Company. Tax paid and information dismissed.

Weymouth Seam Face Granite Company. Tax paid and information dismissed.

Woburn Light, Heat and Power Company. Tax paid and information dismissed.

Woodward & Brown Piano Company. Tax paid and information dismissed.

Ziegler Electric Company. Tax paid and information dismissed.

(b) For failure to file the tax return for the year 1901, required by section 38 of chapter 13 of the Public Statutes, informations were brought against the —

Argus Advertising Agency. Enjoined.

Atlantic Telegraph Company of Massachusetts. Return filed and information dismissed.

Biddle & Smart Company, The. Return filed and information dismissed.

Boston Woods Motor Vehicle Company, The. Return filed and information dismissed.

Bowler Gridley Company. Enjoined.

- Brightwood Brick Company. Return filed and information dismissed.
- Burrell Manufacturing Company. Enjoined.
- C. H. Black Company. Unable to get service.
- Campbell Brothers Company. Return filed and information dismissed.
- Church Publication Company. Unable to get service.
- Composite Brake Shoe Company. Return filed and information dismissed.
- Connecticut Steam Stone Company. Return filed and information dismissed.
- Damon Safe and Iron Works Company. Return filed and information dismissed.
- De Cee Company. Enjoined.
- De Silva Morine Company. Return filed and information dismissed.
- Edward L. Smith Company. Return filed and information dismissed.
- Gilman Snow Guard Company. Return filed and information dismissed.
- Hero Cough Syrup Company. Enjoined.
- Hoxie Mineral Soap Company. Unable to get service.
- J. E. Peckham Manufacturing Company, The. Enjoined.
- Junction Foundry Company. Return filed and information dismissed.
- Lakeside Manufacturing Company. Return filed and information dismissed.
- Marshall Engine Company. Return filed and information dismissed.
- Morning Mail Corporation. In bankruptcy.
- Newton Machine Company. In bankruptcy.
- Nonantum Company. In bankruptcy.
- Norfolk Electric Light and Power Company. Return filed and information dismissed.
- Nute-Hallett Company, Incorporated. Return filed and information dismissed.
- Oak Grove Creamery Company. Return filed and information dismissed.
- Olympic Amusement Company. Return filed and information dismissed.
- Phillipston Street Railway Company. Return filed and information dismissed.
- Prospect Worsted Mills. In bankruptcy.

Quinsigamond Co-operative Baking Company. Return filed and information dismissed.

Salem Telephone Company. Enjoined.

Sandy Bay Pier Company. Return filed and information dismissed.

Second Regiment Band, The. Return filed and information dismissed.

Sphinx, Company, The. Enjoined.

Standard Horse Shoe Company. Return filed and information dismissed.

Thompson Milling Company. Enjoined.

Union Co-operative Coal Company. Enjoined.

Westfield Manufacturing Company. Return filed and information dismissed.

William T. Gould Company. In bankruptcy.

Woodward & Brown Piano Company. Enjoined.

Worcester Textile Company. Return filed and information dismissed.

2. AT THE RELATION OF THE COMMISSIONER OF CORPORATIONS.

For failure to file the certificate of condition required by section 54 of chapter 106 of the Public Statutes —

A. F. Towle & Son Company. Certificate filed and information dismissed.

Block Plant Electric Light Company. Certificate filed and information dismissed.

Boston Woods Motor Vehicle Company. Enjoined.

Burrell Manufacturing Company. Enjoined.

Cambridge Co-operative Society. Enjoined.

De Cee Company. Enjoined on tax return suit.

Franklin Educational Company. Certificate filed and information dismissed.

Lawrence Supply Company. Enjoined.

Massachusetts Investment Company. Certificate filed and information dismissed.

Morning Mail Corporation. Certificate filed and information dismissed.

New England Rubber Company. Certificate filed and information dismissed.

Nonantum Company. In bankruptcy.

Old Colony Boot and Shoe Company. Certificate filed and information dismissed.

Pittsfield Manufacturing Company. Certificate filed and information dismissed.

Prospect Worsted Mills. In bankruptcy.

Sutton Cranberry Company. Pending.

Thompson Milling Company. Enjoined on tax return suit.

University City Laundering Company, The. Certificate filed and information dismissed.

Uxbridge Cotton Mills. Certificate filed and information dismissed.

Venezia Fire Proofing Company. Enjoined.

Watertown Machine Company. Certificate filed and information dismissed.

3. AT THE RELATION OF THE CIVIL SERVICE COMMISSIONERS.

Saunders, Robert V., Attorney-General *v.* Petition for *quo warranto* to try the title of the respondent to the office of superintendent of the city farm of Lowell. Pending.

Trehy, John W., Attorney-General *ex rel.* Board of Civil Service Commissioners *v.* Information in the nature of *quo warranto* to try the respondent's title to the office of almoner of the city of Chicopee. Reserved for the Supreme Judicial Court. Judgment of ouster. See 178 Mass. 186.

4. AT THE RELATION OF PRIVATE PERSONS.

Attorney-General *ex rel. v.* Vineyard Grove Company. Petition for use of name in an information for an injunction restraining the said company from an alleged interference with the rights of the public in a sea beach, and ordering the removal of structures causing such alleged interference. Hearing. Use of name granted. Henry S. Dewey appointed master. Pending.

Attorney-General *v.* Onset Bay Grove Association. Information in the nature of *quo warranto* to abate a public nuisance. Use of name granted. Referred to Warren A. Reed, auditor. Pending.

Attorney-General *ex rel.* Samuel E. Hull *et als.*, Selectmen of Millbury, *v.* Washburn & Moen Manufacturing Company. Information in the nature of *quo warranto* to abate a nuisance. Hearing. Use of name granted. Pending.

Attorney-General *v.* Levi E. Flint. Petition for *quo warranto* to abate a public nuisance, caused by damming up the outlet of a pond, thereby overflowing the highway. Application pending.

GRADE CROSSINGS.

Notices have been served upon this department of the filing of the following petitions for the appointment of special commissioners, under St. 1890, c. 428, relating to the abolition of grade crossings : —

Barnstable County.

Bourne, Selectmen of, petitioners. Commissioners appointed. Pending.

Harwich. New York, New Haven & Hartford Railroad Company, petitioner. Pending.

Harwich, Selectmen of, petitioners. Pending.

Wellfleet and Eastham, Directors of Old Colony Railroad Company, petitioners. Petition for alterations and abolition of certain grade crossings in Wellfleet and Eastham. Commissioners appointed. Pending.

Berkshire County.

Hinsdale, Selectmen of, and Directors of Boston & Albany Railroad Company, petitioners. Petition for alteration of Bul-
lard's, Church Street and Pierce's grade crossings in Hinsdale.
Thomas W. Kenefick, William Sullivan and C. M. Ludden
appointed commissioners. Pending.

Pittsfield, Mayor and Aldermen of, petitioners. Petition for
alteration of Holmes road crossing in Pittsfield. Pend-
ing.

Pittsfield, Mayor and Aldermen of, and Directors of Boston &
Albany Railroad Company, petitioners. Petition for the
abolition of Hubbard and Gates avenues and Jason Street in
Pittsfield. Pending.

Richmond, Town of, and West Stockbridge, Town of, joint peti-
tioners. Crossings over Boston & Albany Railroad. Pend-
ing.

West Stockbridge. Directors of New York, New Haven & Hart-
ford Railroad Company, petitioners. Petition for the aboli-
tion of grade crossings over the West Stockbridge Railroad
Corporation in West Stockbridge. Pending.

West Stockbridge. Directors of Boston & Albany Railroad, petitioners. Commissioners appointed. Pending.

West Stockbridge. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for the abolition of "Potters Crossing," *alias* "Tymesons Crossing," in West Stockbridge. Pending.

Williamstown, Town of, petitioner. Crossings over Fitchburg Railroad. Commissioners appointed. Pending.

Bristol County.

Attleborough, Selectmen of, petitioners. Petition for the abolition of crossings at Deanville, North Main, Bank, etc., streets. Pending.

Attleborough. Directors of Old Colony Railroad Company, petitioners. Commissioners appointed. Pending.

Dighton. New York, New Haven & Hartford Railroad, petitioner. Pending.

Dighton. Directors of New York, New Haven and Hartford Railroad, petitioners. Petition for the abolition of crossings at Railroad and Main streets. Discontinued by agreement.

Easton. Directors of New York, New Haven and Hartford Railroad Company, petitioners. Pending.

Fall River, Mayor and Aldermen of, petitioners. Two petitions consolidated. New York, New Haven & Hartford Railroad Company. Pending.

New Bedford, Mayor and Aldermen of, petitioners. Old Colony Railroad and New York, New Haven & Hartford Railroad. Pending.

Norton. Directors of Old Colony Railroad Company, petitioners. Petition for abolition of grade crossing in Norton, near Norton Furnace Station. Pending.

Somerset. New York, New Haven & Hartford Railroad, petitioner. Pending.

Taunton, Mayor and Aldermen of, petitioners. Petition for the abolition of grade crossings across Dean, Winter, West, Britannia and Freemont streets, and Crane Avenue in Taunton. Pending.

Taunton, Mayor and Aldermen of, petitioners. Old Colony Railroad. Pending.

Taunton, Mayor and Aldermen of, petitioners. Petition for the abolition of Chase crossing on Middleborough and Richmond streets. (This petition consolidated with the two preceding petitions.)

Essex County.

- Beverly. Directors of Boston & Maine Railroad Company, petitioners. Pending.
- Haverhill, Mayor and Aldermen of, petitioners. Petition for the abolition of Washington, Essex and Winter streets crossings in Haverhill. Pending.
- Ipswich. Boston & Maine Railroad Company, petitioners. Pending.
- Lynn, Mayor and Aldermen of, petitioners. Petition for abolition of Summer and Western avenues, etc., on Saugus branch, and Market and other streets on main line, in Lynn. Pending.
- Manchester. Directors of Boston & Maine Railroad Company, petitioners. Pending.
- Salisbury. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of Hoks and Gerrish crossing. Pending.
- Swampscott, Selectmen of, petitioners. Commissioners appointed. Hearing. Report partially confirmed. Pending.

Franklin County.

- Greenfield, Selectmen of, petitioners. Petition for abolition of Allen Street crossing in Greenfield. Pending.
- Greenfield, Selectmen of, petitioners. Petition for the abolition of Russell Street crossing in Greenfield. Pending.
- Montague, Selectmen of, petitioners. Central Vermont Railroad Company and Fitchburg Railroad Company. Pending.
- Northfield, Selectmen of, petitioners. Petition for the abolition of a grade crossing over the Connecticut River Railroad and Central Vermont Railroad at River Street. Pending.

Hampden County.

- Chester, Selectmen of, and Directors of Boston & Albany Railroad, petitioners. Petition for the abolition of the Huntington Street and White Chop crossings in Chester. Commissioners appointed. Pending.
- Chester, Selectmen of, petitioners. Petition for abolition of "Huntington Road." Commissioners appointed. Pending.
- Chicopee, Mayor and Aldermen of, petitioners. Crossings over Connecticut River Railroad. Commissioners appointed. Pending.

- Chicopee, Mayor and Aldermen of, petitioners. Petition for the abolition of grade crossings over the Connecticut River Railroad. Pending.
- East Longmeadow, Selectmen of, petitioners. Petition for the abolition of Robeson's crossing in East Longmeadow. Pending.
- East Longmeadow, Selectmen of, petitioners. Pending.
- Monson. Boston & Albany Railroad Company, petitioner. Hastings', Butler's, Moran's and Silver Street crossings. Hearing. Decree as to first and the last two crossings. Disagreement as to second. Recommended. Pending.
- Palmer. Blanchard's, Tenney's and Breckenridge's crossings. Boston & Albany Railroad Company, petitioners. Pending.
- Palmer, Selectmen of, petitioners. Pending.
- Palmer, Selectmen of, petitioners. Petition for the abolition of Burley's crossing in Palmer. Pending.
- Palmer. Boston & Albany Railroad Company, petitioners. Cooley's crossing. Pending.
- Palmer, Selectmen of, petitioners. Petition for abolition of Springfield road crossing in Palmer. Pending.
- Springfield, Mayor and Aldermen of, petitioners. Bay Street, Boston Road, Wilbraham Road, Alden and Hickory streets, crossing the New York & New England Railroad. Commissioners appointed. Pending.
- Springfield. Directors of Boston & Albany Railroad Company, petitioners. Pasco Road. Pending.
- Springfield, Mayor and Aldermen of, petitioners. Armory Street. Pending.
- Springfield, Mayor and Aldermen of, petitioners. Pasco Road. Pending.
- Springfield, Mayor and Aldermen of, petitioners. Petition for alteration of grade crossing on street leading from South Street to South End bridge. Pending.
- West Springfield, Selectmen of, petitioners. Baldwin and Cold Spring streets. Hearings. Report of commissioners filed. Pending.
- Westfield, Selectmen of, petitioners. North Elm Street. Pending.
- Westfield. Boston & Albany Railroad Company, petitioner, Cobwin and Morse's crossing. Commissioners appointed. Pending.
- Westfield, Selectmen of, petitioners. Pending.
- Westfield, Selectmen of, petitioners. Petition for raising of Elm Street bridge in Westfield. Pending.

Westfield, Selectmen of, petitioners. Petition for the raising of North Elm Street bridge. Pending.

(North) Wilbraham. Depot. Boston & Albany Railroad Company, petitioners. Pending.

Hampshire County.

Belchertown, Selectmen of, petitioners. Petition for the alteration of the "Holyoke Road" crossing in Belchertown. George W. Wiggin, E. K. Turner and Fred D. Stanley appointed commissioners. Pending.

Hatfield, Selectmen of, petitioners. Connecticut River Railroad Company and Boston & Maine Railroad Company. Pending.

Northampton, Mayor and Aldermen of, petitioners. Petition for alteration of Laurel Park station grade crossing in Northampton. George W. Wiggin, E. K. Turner and Fred D. Stanley appointed commissioners. Pending.

Northampton and Easthampton. Directors of Connecticut River Railroad Company, petitioners. Petition for alteration of East Street and Lyman's crossings in Northampton and Easthampton. George W. Wiggin, E. K. Turner and Fred D. Stanley, commissioners. Pending.

Northampton, Mayor and Aldermen of, petitioners. Petition for the alteration of crossings on Grove and Earle streets. Pending.

Ware, Selectmen of, petitioners. Commissioners appointed. Pending.

Ware, Selectmen of, petitioners. Commissioners appointed. Pending.

Middlesex County.

Acton, Selectmen of, petitioners. Petition for the abolition of crossing known as "Great Road." Pending.

Arlington. Selectmen of the town of Arlington, petitioners. Pending.

Ashland. Directors of Boston & Albany Railroad Company, petitioners. Commissioners appointed. Pending.

Ayer, Selectmen of, and Directors of Fitchburg Railroad Company, petitioners. Pending.

Bedford, Selectmen of, petitioners. Petition for the abolition of the Concord road crossing in Bedford. Fred D. Stanley, H. R. Coffin and Edmund K. Turner, commissioners. Pending.

Cambridge. Boston & Lowell Railroad Company, by its lessee the Boston & Maine Railroad Company, petitioner. Pending.

Chelmsford, Selectmen of, petitioners. Petition for the abolition of Princeton Street in Chelmsford. Pending.

- Concord, Selectmen of, and Directors of the Fitchburg Railroad Company, petitioners. Pending.
- Everett. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of Broadway & Main Street crossings in Everett. Pending.
- Lexington, Selectmen of, petitioners. Petition for abolition of Grant Street crossing in Lexington. Pending.
- Lincoln. Fitchburg Railroad Company, petitioner. Pending.
- Lowell, Mayor and Aldermen of, petitioners. Pawtucket and Church streets. Pending.
- Malden. Directors of Boston & Maine Railroad Company, petitioners. Petition for abolition of Medford, Adams and Charles streets grade crossing in Malden. Pending.
- Malden, Mayor and Aldermen of, petitioners. Petition for abolition of Pleasant and Winter streets crossings in Malden. Pending.
- Marlborough, Mayor and Aldermen of, petitioners. Fitchburg Railroad Company. Pending.
- Marlborough. Old Colony Railroad Company, petitioner. Fisher's crossing. Pending.
- Natick. Directors of Boston & Albany Railroad Company, petitioners. Three petitions pending.
- Newton, Mayor and Aldermen of, petitioners. Boston & Albany Railroad Company. Argued before full court. Decision made on accounting, Sept. 1, 1898. Pending.
- Newton, Mayor and Aldermen of, petitioners. Petition for the abolition of Glenn Avenue, Langley Road, Institution Avenue, Cypress, Centre, Rogers, Hyde, Walnut, Boylston and Cook streets in Newton. Pending.
- Newton, Mayor and Aldermen of, petitioners. Petition for the abolition of Oak, Linden and Mechem streets crossings in Newton. Pending.
- Newton, Mayor and Aldermen of, petitioners. Petition for the abolition of Concord Street and Pine Grove Avenue crossings in Newton. Pending.
- North Reading, Selectmen of, petitioners. Petition for the abolition of Main Street crossing. Pending.
- Somerville, Mayor and Aldermen of, petitioners. Petition for the abolition of Somerville Avenue grade crossing in Somerville. Pending.
- Somerville, Mayor and Aldermen of, petitioners. Pending.
- Somerville, Mayor and Aldermen of, petitioners. Petition for the abolition of Park, Dane and Medford streets grade crossings in Somerville. Pending.

Wakefield, Selectmen of, petitioners. Petition for the abolition of Hanson Street grade crossing in Wakefield. Pending.

Waltham, Mayor and Aldermen of, petitioners. Fitchburg Railroad Company. Pending.

Watertown, Selectmen of, petitioners. Commissioners appointed. Pending.

Norfolk County.

Braintree. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Pending.

Braintree. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Pending.

Canton, Selectmen of, petitioners. Pending.

Dedham, Selectmen of, petitioners. Pending.

East Bridgewater. Directors of Old Colony Railroad Company, petitioners. Commissioners appointed. Disposed of.

Foxborough, Selectmen of, petitioners. Petition for the abolition of North Street crossing in Foxborough. Pending.

Hyde Park and Dedham. Three petitions consolidated. Pending.

Medway, Selectmen of, petitioners. Pending.

Milton, Selectmen of, petitioners. Petition for abolition of Central Avenue crossing. Pending.

Needham, Selectmen of, petitioners. Petition for alteration of Charles River Street crossing in Needham. Pending.

Norwood, Selectmen of, and New York & New England Railroad Company, petitioners. Washington, Chapel and Guild streets and Railroad Avenue. Hearings. Pending.

Sharon, Selectmen of, petitioners. Petition for the abolition of Depot Street crossing in Sharon. Pending.

Stoughton. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Pending.

Walpole, Selectmen of, petitioners. Petition for the abolition of crossings at Oak, Main, Elm, etc., streets. Pending.

Plymouth County.

Abington. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Pending.

Brockton, Mayor and Aldermen of, petitioners. Commissioners appointed. Disposed of.

Hingham. New York, New Haven & Hartford Railroad Company, petitioner. Pending.

Marshfield. Directors of New York, New Haven & Hartford Railroad, petitioners. Pending.

Middleborough, Selectmen of, petitioners. Pending.

Scituate. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Petition for the alteration of grade crossings at Water and Union streets. Pending.

Scituate, Selectmen of, petitioners. Pending.

Suffolk County.

Boston. Directors of Old Colony Railroad Company, petitioners. Tremont Street. Hearing. Pending.

Boston, Mayor and Aldermen of, petitioners. Six petitions:—

1. Austin, Cambridge and Perkins streets, Charlestown, crossing the tracks of the Boston & Maine Railroad Company. Pending.

2. Same streets as above, crossing the tracks of the Eastern Railroad Company. Pending.

3. Austin Street, Warren Avenue and Charles River Avenue, Charlestown, crossing the tracks of the Fitchburg Railroad Company. Pending.

4. Rutherford Avenue, Main Street and Chelsea Street, Charlestown, crossing the tracks of the Boston & Lowell Railroad Company. Pending.

5. Congress Street, South Boston, crossing the tracks of the New York & New England Railroad Company. Pending.

6. Dorchester Avenue, Dorchester, crossing the tracks of the Old Colony Railroad Company. Pending.

Boston. Directors of Old Colony Railroad Company, petitioners. Codman Street, Boston. Pending.

Boston, Mayor and Aldermen of, petitioners. New England Railroad Company. Pending.

Boston, Mayor and Aldermen of, petitioners. Pending.

Boston, Mayor and Aldermen of, petitioners. Pending.

Dorchester Avenue, Boston. Directors of New York, New Haven & Hartford Railroad Company, petitioners. Pending.

East Boston. Mayor and Aldermen of the city of Boston, petitioners. Boston & Main Railroad Company, Boston & Albany Railroad Company and Boston, Revere Beach & Lynn Railroad Company. Pending.

Chelsea, Mayor and Aldermen of, petitioners. Crossings on Chelsea bridge and Chelsea Bridge Avenue, over Boston & Maine Railroad. Under St. 1892, c. 374. Commissioners appointed. Hearing. Pending.

Revere, Selectmen of, petitioners. Petition for abolition of Winthrop Avenue crossing in Revere. Pending.

Revere, Selectmen of, and Directors of Boston & Maine Railroad, petitioners. Petition for consent to build bridge over Boston & Maine Railroad tracks at Winthrop Avenue, at a minimum height of sixteen feet. Attorney-General waived right to be heard.

Worcester County.

Athol, Selectmen of, petitioners. Commissioners appointed. Pending.

Auburn, Selectmen of, petitioners. Pending.

Auburn. Directors of Boston & Albany Railroad Company, petitioners. Pending.

Blackstone, Selectmen of, petitioners. Pending.

Boylston, Selectmen of, petitioners. Commissioners appointed. Pending.

Clinton, Selectmen of, petitioners. Pending.

Fitchburg, Mayor and Aldermen of, petitioners. Petition for the abolition of grade crossings at Putnam Street in Fitchburg over the Vermont Central Railroad and Massachusetts Central Railroad. Pending.

Fitchburg, Mayor and Aldermen of, petitioners. Same as above, at Laural Street. Pending.

Fitchburg, Mayor and Aldermen of, petitioners. Pending.

Gardner, Selectmen of, petitioners. Commissioners appointed. Pending.

Gardner, Selectmen of, petitioners. Pending.

Gardner, Selectmen of, petitioners. Petition for change of grade at Union Street crossing in Gardner. Pending.

Holden, Selectmen of, petitioners. Fitchburg Railroad Company. Pending.

Holden, Selectmen of, petitioners. Petition for abolition of Dawson's, Cedar Swamp, Wachusett Street and Blake Road crossings in Holden. Chas. A. Allen, Arthur P. Rugg and Henry G. Taft, commissioners.

Hubbardston, Selectmen of, petitioners. Petition for abolition of Depot road crossing in Hubbardston. Pending.

Leicester. Directors of Boston & Albany Railroad Company, petitioners. Pending.

Leominster, Selectmen of, petitioners. Pending.

Millbury, Selectmen of, petitioners. Pending.

Millbury, Selectmen of, petitioners. Pending.

Northbridge. Selectmen of Northbridge and Uxbridge, petitioners. Pending.

Northbridge, Selectmen of, petitioners (two petitions). Pending.

- Northborough, Selectmen of, petitioners. Petition for the abolition of a grade crossing near "Westborough Hospital Station." Pending.
- Southborough. Old Colony Railroad Company, petitioner. Pending.
- Southborough, Selectmen of, petitioners. Petition for the abolition of a grade crossing on road to Hopkinton in Southborough. Pending.
- Southborough, Selectmen of, and Directors of New York, New Haven & Hartford Railroad Company, petitioners. Pending.
- Southborough. Directors of the New York, New Haven & Hartford Railroad Company, petitioners. Pending.
- Sutton, Selectmen of, petitioners. Pending.
- Templeton, Selectmen of, petitioners. Pending.
- Uxbridge. Directors of New York, New Haven & Hartford Railroad Company, as lessee of the Providence & Worcester Railroad Company, petitioners. Pending.
- Warren. Directors of Boston & Albany Railroad Company, petitioners. Pending.
- Warren. Directors of Boston & Albany Railroad Company, petitioners. Pending.
- Westborough, Selectmen of, and Directors of Boston & Albany Railroad Company, petitioners. (In this case a controversy arose between the town and the Commonwealth as to the respective amounts to be paid in the construction of the proposed alterations. The case was argued before the commissioners, and a decision rendered in favor of the claim made by the Commonwealth.) Argued before full court. Report of commissioners confirmed. Pending.
- Worcester, Mayor and Aldermen of, petitioners. Millbrook, Garden, Lincoln, Market, School, Thomas, Central, Exchange, Summer and Shrewsbury streets. Pending.
- Worcester. Directors of Boston & Albany Railroad Company, petitioners. Pending.
- Worcester, Mayor and Aldermen of, petitioners. Grafton, Green, Washington and Plymouth streets. Pending.
- Worcester, Mayor and Aldermen of, petitioners. Hamilton and Millbrook streets. Pending.
- Worcester, Mayor and Aldermen of, petitioners. Petition for the alteration of crossings on Grafton, Green, Washington, Plymouth, Hammond, Gardner, Grand, Southgate and Cambridge streets, and alteration of Union Station. Pending.

The following corporations having made voluntary application to the Supreme Judicial Court for dissolution, and having given the Attorney-General due notice of the petition, and the Tax Commissioner having certified that they were not indebted to the Commonwealth for taxes, the Attorney-General waived right to be heard : —

A. M. Gardner Hardware Company.
Amherst Telephone Company.
Anthony Bates Machine Company.
Atlantic Wharf Company.
Baker Lead Manufacturing Company.
Berkshire Ore Company.
Baldwinville Toy and Turning Company.
Boston Computing Scale Company.
Boston Horse Shoe Company.
Boston Paper Mills Company.
Brockton and Eureka Box Toe Company.
Breed and Bacheller Company.
Brookside Paper Manufacturing Company.
Buildings Cleaning Company.
Business Men's Athletic Club.
Carpet Loom Company.
Chadwick Plush Company.
Chase & Co. Corporation.
Charles River Embankment Company.
Central Market Company.
Chesterfield Co-operative Pearl Button Company.
Childs & Kent Express Company.
Citizens Building Company.
Clarendon Mills.
Connecticut River Paper Company.
Consumers Co-operative Association.
Cowell & Hall Manufacturing Company.
Dighton Rock Park Corporation.
Douglass Mills.
E. C. Manufacturing Company.
E. D. Shaddock Company.
Faulkner Mills.
Grafton, Upton & Milford Street Railway Company.
H. M. Kinports Company.
Hampden Emery and Corundum Company.
Haskell Dawes Machine Company.
Horner Machine Company.

J. W. Kennan Company.
Jaynes & Chapin Co.
John N. Rieger Company.
Kinsley Express Company.
Mandel Milling Company.
Massachusetts Mutual Fire Insurance Company.
Maverick Wharf Company.
Meyers Putz Pomade Company.
Mills Manufacturing Company.
Morrison Steamboat Company.
New Boston Aqueduct Company.
Northfield Telephone Company.
Palmer Carpet Company.
Pittsfield Electric Street Railway Company.
Pleasant Park and Fair Association.
Pocasset Hat Company.
R. Goss Company.
Red Cross Baking Powder Company.
Shoe and Leather Building Association.
Smith American Organ Company.
Springfield Knitting Company.
Standard Furniture Company.
Stowe Bills & Hawley Company.
Taunton Rivet Company.
Union Cotton Gunning Company.
Union Wharf Company.
United States Knife and Cutlery Company.
W. S. Quimby Company.
Warren Boot and Shoe Company.
Washington Mills Company.
Wheeler Cotton Mills.
Worcester Excursion Car Company.
Wright Machine Company.

The following corporations, reported to this department by the Tax Commissioner for delinquency in making their tax returns under Pub. Sts., c. 13, § 38, have been compelled, without the necessity of a suit at law, to comply with the statute : —

A. F. Towle & Son Co.
A. T. Fairbanks Confectionery Company.
Abram French Company.
Amesbury Opera House Company.
Arion Manufacturing Company.
Barnstable County Street Railway Company.

Bay State Fuel Company.
Beacon Manufacturing Company.
Bennetts Information Company.
Blue Hill Granite Company.
Boston and Lynn Steamboat Express Company.
Boston Excursion Steamship Company.
Boston Paving Company.
Boston Steel and Iron Company.
Boston Trading and Export Company.
Bristol County Street Railway Company.
Brockton Real Estate and Improvement Company.
Brookfield Brick Company.
Bryant Boot and Shoe Company.
C. B. Cook Laundry Company.
C. F. Eddy Company.
C. S. Grieves Paint Company.
Cantells Manufacturing Company.
Chemical Paper Company.
Child Acme Cutter and Press Company.
City Trust Company.
Columbia Electric Company.
Consolidated Law Cabinet, The.
Co-operative Printing Society.
Cottage City and Edgartown Traction Company.
Cygolf Shoe Company.
Daily News Company, The.
Damon Brick Company.
Davis & Buxton Stamping Company.
Donahoe's Magazine Company.
Dorchester Building Material Company.
Durgin Grocery and Provision Company.
E. Buxton & Son Co.
Eastern Bridge and Structural Company.
Eastern Electric Company.
Eastern Printing and Engraving Company.
Faneuil Watch Tool Company.
Fisk Manufacturing Company.
Fisk Rubber Company.
Fitchburg Machine Works.
Fitchburg Manufacturing Company.
Fore River Company.
Fossilitch Leather Company.
Fowle's Arlington Mills.
Franklin Educational Company.

Fraprie-Douglass Company, The.
Gale Lumber Company.
Gardner Egg Carrier Company.
George D. Emerson Company.
George H. Wood Company.
Globe Nail Company.
Greenfield Recorder Company, The.
Gurney Heater Manufacturing Company.
H. L. Aldrich Company.
Hampden Trap Rock Company.
Hampshire & Worcester Street Railway Company, The.
Henry Woods Sons Company.
Holbrook Shoe Company, The.
Hollingsworth & Vose Co.
Holmes & Blanchard Co.
Holyoke Provision and Cold Storage Company.
Hood Rubber Company.
Horn Pond Branch Railroad Company.
Hunt Spiller Manufacturing Company.
Hutchins Narrow Fabric Company.
Interstate Law Company.
Investor Publishing Company.
Iowa Light, Heat and Power Company.
J. H. Williams Wall Paper Company, The.
J. P. & W. H. Emond, Incorporated.
John Dyke Company.
Kelly Shoe Company, The.
Kimball & Cary Co.
Kimball Brothers Company.
L. E. Knott Apparatus Company.
L. L. Brown Paper Company.
• Lawrence & Methuen Street Railway Company.
Lawrence Supply Company.
Leicester Grocery Company.
Liberty Masonic Association.
Lowell Land Company.
Lyons & Alexander Co., The.
Lyons Granite Company.
Malden Mail Company, The.
Marblehead Building Association.
Marlborough Gas Light Company.
Massachusetts Investment Company.
Massachusetts Real Estate Company.
Massachusetts Steam Wagon Company.

McCarthy, Sheehy & Kendrick Co.
McLean Shoe Company.
Middleby Oven Company.
Middlesex Real Estate Association of Cambridge.
Miles F. Brennan Company.
Miscoe Spring Water Company.
Morrill Brothers Company.
New England Dredging Company.
New England Lamp Company.
New England Publishing Company, The.
New England Reed Company.
New England Structural Company.
Newport Transfer Express Company.
Norcross Brownstone Company.
Norfolk Blanket Cleansing Company.
Norwood, Canton & Sharon Street Railway Company.
O. T. Rogers Granite Company.
Pigeon Hill Granite Company.
Pittsfield Manufacturing Company.
Plymouth Preserving Company.
Pratt Manufacturing Company.
Rawson & Morrison Manufacturing Company.
Sanitary Fixture Company, The.
Shedd & Crane Leather Company.
Shreve, Crump & Low Co.
Smith Warren Company.
Springfield Brass Company.
Springfield Construction Company.
Springfield Steam Power Company.
Thomas J. Gavin Company.
Turners Falls Lumber Company.
United States Cord Company.
University City Laundering Company.
W. D. Wilmarth & Co., Corporation.
W. S. Reed Toy Company.
Waban Rose Conservatories.
Watertown Machine Company.
Wellington Piano Case Company.
Western Union Telegraph Company.
Westport Harbor Aqueduct Company.
Wheelman Company, The.
Whiting Manufacturing Company.
William Underwood Company.
Woburn Power Company.

Worcester Construction Company.
Worcester Last Company.
Zeigler Electric Company.

The following corporations, reported to this department by the Commissioner of Corporations for delinquency in filing the certificate of condition for 1900 required by Pub. Sts., c. 106, § 54, have been compelled, without the necessity of suit, to comply with the statute : —

A. S. Rogers Shoe Company.
American Cultivator Publishing Company.
Amesbury Opera House Company.
Arlington Co-operative Association.
Bay State Improved Box Company.
Belisle Printing and Publishing Company.
Blake Manufacturing Company.
Blue Hill Granite Company.
Boston Oregon Mast Company.
Boston Spar Company.
Boston Thread and Twine Company.
Carlow & Putnam Co.
Columbia Electric Company.
Connecticut Steam Stone Company.
Daily News Company.
East Douglass Co-operative Association.
Fisher Churchill Company.
Fiske Wharf and Warehouse Company.
Fitchburg Machine Works.
Fowler Automatic Draft Regulator and Ventilator Company.
Gardner Music Hall Company.
George P. Staples & Co., Incorporated.
Glasgow Manufacturing Company.
Heroux the Clothier, Incorporated.
Iowa Light, Heat and Power Company.
J. P. Jordan Paper Company.
John F. Nickerson Company.
Lamprey Boiler Furnace Mouth Protector Company.
Lyons Granite Company.
Mansfield Co-operative Furnace Company.
Merrimack Clothing Company.
Middleby Oven Company.
Natick Gas Light Company.
National Needle Company.

New England & Savannah Steamship Company.
New England Dredging Company.
New England Rubber Company.
Nute-Hallett Company, Incorporated.
P. P. Emory Manufacturing Company.
Randall Faichney Company.
Robinson Iron Company.
Sandy Bay Pier Company.
Shady Hill Nursery Company.
Slater Woolen Company.
Springfield Drop Forging Company.
Springfield Elevator and Pump Company.
Taunton Evening News.
Union Desk Company.
Wade & Reed Co.

The following corporations, reported to this department by the Commissioner of Corporations for delinquency in filing the certificate of condition for 1901 required by Pub. Sts., c. 106, § 54, have been compelled, without the necessity of suit, to comply with the statute : —

Adams Marble Company.
American Cultivator Publishing Company.
Amesbury Opera House Company.
Amherst Gas Company.
Arlington Co-operative Association.
Bay State Metal Works.
Beacon Manufacturing Company.
Boston Advertising Company.
Boston Paving Company.
Boston Spar Company.
Boston Trading and Export Company.
Brookfield Brick Company.
C. A. Edgarton Manufacturing Company.
Carter, Rice & Co., Corporation.
Crescent Worsted Company.
Damon Safe and Iron Works Company.
Dudley Mills.
East Douglass Co-operative Association.
Eastern Electric Company.
Eastern Printing and Engraving Company.
Fisk Rubber Company.
Fossilitch Leather Company.
Frank A. Hall Company.

Fraser Dry Goods Company.
George D. Emerson Company.
Greenfield Machine Company.
Hill, Whitney & Wood Co.
Interstate Law Company.
J. P. Jordan Paper Company.
Kearns & Co., Incorporated.
Kelly Shoe Company.
Lyons & Alexander Co.
Mansfield Co-operative Furnace Company.
Massachusetts Investment Company.
Massachusetts Telephone and Telegraph Company.
Massachusetts Title Insurance Company.
Medfield Electric Light and Power Company.
Montague Co-operative Creamery Association.
Natick Citizen Printing Company.
New England Pharmacal Company.
Norfolk Blanket Cleansing Company.
Perry Laundry Company.
Plymouth Stove Foundry Company.
Reliance Manufacturing Company.
Rice Kendall Company, The.
Robbins Spring Water Company.
Rochdale Hall Company.
Shady Hill Nursery Company.
Simonds Rolling Machine Company.
Small, Maynard & Co., Incorporated.
Springfield Construction Company.
Twentieth Century Mining Company.
Union Furniture Company.
W. E. Rice Company, The.
Watertown Machine Company.
Weber Leather Company.
Wheelman Company, The.
Worcester Fire Appliance Company.

CASES ARISING IN THE PROBATE COURTS UNDER THE COLLATERAL INHERITANCE TAX ACT.

[STATUTES 1891, CHAPTER 425.]

Berkshire County.

Marcein, Mary L., estate of. Frank H. Wright, executor. Petition for extension of time for payment of tax. Assented to extension.

Bristol County.

Adams, Stephen L., estate of. John F. Adams, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Beauvais, Joseph Arthur, estate of. Charles W. Clifford *et als.*, executors. Petition for extension of time for payment of tax. Assented to extension.

Bishop, Franklin H., estate of. Petition of George Kress to be appointed executor. (The testator bequeathed his entire estate to the Commonwealth.) No action taken.

Brown, Robert Carver, estate of. Ira N. Smith *et al.*, executors. Petition for license to pay tax on income in yearly instalments and to postpone time for payment of tax on principal. Attorney-General waived right to be heard.

Cartwright, Nancy G., estate of. Alma C. Coffin, executrix. Petition for license to receive personal estate in Massachusetts. Decree allowing petition.

Chase, Sarah B., estate of. Benjamin S. C. Gifford, legatee. Petition for appointment of appraisers. Agreed to appointment of W. B. N. Chase, Leonard N. Slade and Charles S. Waring, appraisers.

Church, Alexander B., estate of. Frank S. Higgins, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Church, Harriet J., estate of. Sophia L. Wardwell, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Cornell, Jane R., estate of. William F. Cornell, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Cory, Seabury, estate of. George S. Homer *et als.*, executors. Petition for appraisal. Attorney-General waived right to be heard on payment of tax.
- Devereux, Robert William, estate of. Ruth S. Devereux *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dikeman, Mary M. K., estate of. Mary A. Griswold, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Gifford, Elizabeth, estate of. Ezra Gifford *et al.*, administrators. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Kinnicutt, Augusta, estate of. Daniel S. Bushee, administrator. Petition for license to receive personal estate. Decree allowing petition.
- Kinnicutt, Robert, estate of. Daniel S. Bushee, administrator. Petition for license to receive personal estate. Decree allowing petition.
- Livsey, Elizabeth K., estate of. Mary H. Richardson, executrix. Petition for license to receive personal estate. Pending.
- Mott, Jacob, Jr., estate of. Ada F. Mott, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Sherman, Nehemiah K., estate of. Edwin A. Cady, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Tuckerman, Robert, estate of. Harriet W. Tuckerman, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- White, William, estate of. Belle R. White, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Essex County.

- Bartlett, Aroline E., estate of. Levi S. Bartlett, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Beede, Susan E., estate of. Cyrus A. Gove, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Bradbury, Albert H., estate of. Frances A. Bradbury, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Bradley, John C., estate of. Charles H. Bradley, administrator.
Petition for license to receive personal estate. Pending.
- Brewster, Lydia A., estate of. Isaac S. Brewster, administrator.
Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Brown, Sarah K., estate of. Edward H. Brown, executor. Petition for license to receive personal estate. Pending.
- Bryant, Edna W., estate of. Daniel A. Kelly, administrator.
Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Butland, Hason, estate of. Daniel Butland, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Carleton, James H., estate of. Henry S. Howe *et als.*, petitioners.
Petition of determination of tax and extension of time of payment. Decree. Appeal taken to Supreme Judicial Court. Decree of Probate Court affirmed. See Banker and Tradesman, Oct. 30, 1901.
- Carter, Sarah W., estate of. John L. Pressey, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Castle, Peter, estate of. Mary Castle, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Chamberlain, Frederick W., estate of. Mary B. Chamberlain, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Cogswell, Sarah F., estate of. Samuel W. Hopkinson, executor. Petition for instructions. Pending.
- Collins, John H., estate of. Frank T. Carr, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Colwell, Clara Hobart, estate of. George A. Hamlin, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Condon, Robert W., estate of. James S. Condon, administrator. Petition for license to receive personal estate in this Commonwealth. Decree.
- Currier, Mary J., estate of. John L. Pressey, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Cushing, Zenas, estate of. Caroline L. Warner *et al.*, executrices. Petition for postponement of time for payment of tax. Attorney-General waived right to be heard.

- Davis, James, estate of. Epes Davis, administrator. Petition for allowance of appraisers' fees. Attorney-General waived right to be heard.
- Dickey, Syrena, estate of. Uhert A. Killam *et al.*, executors. Petition for extension of time for payment of tax. Assented to extension.
- Dickson, Walter S., estate of. First Universalist Society, petitioners. Petition for instructions. Pending.
- Diman, Emily Stimson, estate of. Emily Diman, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Downs, Henrietta A., estate of. George E. Downs, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Duncan, Caroline, estate of. John D. Bryant, executor. Claim for inheritance tax and interest on several legacies, amounting to \$4,300. Pending.
- Eaton, Calvin, estate of. James C. Eaton, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Field, Henry P., estate of. Bezeliel W. Burnham, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Follansbee, Ann M., estate of. James L. Rackleff, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Garden, Sarah R., estate of. Josiah F. Garden, executor. Petition for license to receive personal estate. Pending.
- Garland, Emily A., estate of. Charles W. Garland, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Green, Stephen, estate of. Sarah H. Green, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hankerson, Alvin D., estate of. Charles M. Thompson, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hanson, Francis J., estate of. Charles F. Cate, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hawkes, Maria S., estate of. Linda A. Annis, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Hoag, Laura E., estate of. Clara A. Fletcher, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hodgdon, Julia A., estate of. Peace P. Nichols, executrix. Petition for postponement of time for payment of tax. Attorney-General waived right to be heard.
- Hood, Martin H., estate of. Edward H. Sargent, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Horton, Alfred, estate of. Ralph Bleecker Horton, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hunt, Oliver, estate of. Sarah T. Hunt, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Ingalls, Mary C., estate of. Arthur H. Wilcomb, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Judkins, Elbridge G., estate of. Elbridge F. Judkins, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Judkins, Joseph, estate of. Arthur B. Judkins, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Kaliber, Mary, estate of. Greenleaf K. Bartlett, executor. Petition for license to receive personal estate. Pending.
- Lamprey, Lewis S., estate of. Geo. W. Sanborn, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Lamson, Asa B., estate of. F. H. Lamson *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Legro, Mary C., estate of. J. Q. A. Wentworth, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Locke, Jeremiah F., estate of. Hannah S. Locke, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Locke, John B., estate of. Hannah L. Locke, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Mace, Jacob M., estate of. Nellie I. Mace, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Morrill, Sarah W., estate of. Thomas B. Twombly, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Moulton, Olive O., estate of. Henry M. Batchelder, executor. Petition for extension of time for payment of tax. Extension granted.
- Newcomb, Fred H., estate of. George W. Clyde, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Page, Abigail L., estate of. Mary A. Page *et al.*, executors. Petition for license to receive personal estate. Disposed of on payment of tax.
- Palmer, Mary N., estate of. Daniel E. Palmer, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Pike, Mary A., estate of. Charles W. Garland, administrator. Petition for license to receive personal estate.
- Piper, Sarah B., estate of. Daniel B. Piper, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Pray, William M., estate of. J. E. S. Pray, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Reed, Gratia S., estate of. Frank A. Rugg, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Richardson, Marinda A., estate of. Albert H. Cheney, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Roberts, Lydia E., estate of. John Tuttle, administrator. Petition for license to receive personal estate. Decree.
- Roberts, Horatia G., estate of. John Tuttle, administrator. Petition for license to receive personal estate in Massachusetts. Attorney-General waived right to be heard.
- Roby, Jeremiah H., estate of. Francis R. Drake, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard on payment of tax.
- Rundlett, Alfred F., estate of. Martha A. Rundlett, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Sanborn, Charles H., estate of. Frank D. Sanborn, administrator. Petition for license to receive personal estate in Massachusetts. Decree.

- Smith, Alfred, estate of. Arthur H. Wilcomb, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Snow, Sophia J., estate of. Gorham Rogers, trustee. Petition for license to sell certain shares of stock for the benefit of a charitable trust. Attorney-General waived right to be heard.
- Stockman, Dorothy F., estate of. James J. J. Sawyer, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Stone, Susan K., estate of. Mabel G. Parker, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Street, Charles C., estate of. William E. Rogers, executor. Petition to retain a certain sum in executor's hands to pay tax if any becomes due. Attorney-General waived right to be heard.
- Taylor, John, estate of. Leonard M. Taylor, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Towle, Alfred, estate of. Susan M. Towle, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Towne, Asa P., estate of. George A. Woodbury, executor. Petition for license to receive personal estate. Pending.
- Twiss, Nancy M., estate of. Albert E. Simpson, executor. Petition for license to receive personal estate in Massachusetts. Dismissed.
- Waldron, Sarah A., estate of. Daniel D. Waldron, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Webster, David, estate of. Dana Webster, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Williams, Augustus, estate of. Hannah F. Clark, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Winn, Alonzo N., estate of. George W. Paul, administrator. Petition for license to receive personal estate. Pending.
- Wood, Deborah, estate of. John S. Gile, administrator. Petition to compromise a claim against said estate. Attorney-General waived right to be heard.
- Woodbury, Eliza J., estate of. Milton G. Woodbury, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Franklin County.

Alexander, Amanda M., estate of. Joseph R. Colton *et al.*, executors. Petition for instructions. Pending.

Hampden County.

Allen, George M., estate of. Eunice S. Allen *et al.*, administrators. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Alvord, Eugenia C., estate of. Edward W. Chapin, executor. Petition for appraisal and instructions. Decree.

Alvord, Mary, estate of. William P. McFarland, legatee. Petition for appointment of appraisers to reappraise. Appraisers appointed. Attorney-General waived right to be heard on return of appraisers.

Bailey, Stephen P., estate. Petition for appraisers to reappraise. Attorney-General waived right to be heard.

Cooley, Justin M., estate of. Eliza A. Peet *et al.*, executors. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

Crockett, Sarah L., estate of. H. L. Harding *et al.*, executors. Petition of Treasurer and Receiver-General to collect tax on said estate. Pending.

Day, Laura A., estate of. Edwin F. Lyford, executor. Petition for instructions. Decree.

DeForrest, Andrew W., estate of. Charles S. DeForrest *et al.*, executors. Petition for extension of time for payment of tax. Assented to postponement.

Henry, Julia A., estate of. James W. Kirkham, executor. Petition for extension of time or payment of tax. Assented to extension.

Hull, Eliza E., estate of. Harry D. Hull, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Kellogg, Chester, estate of. Mary A. Kellogg *et als.*, administrators. Petition for instructions. Disposed of.

Lawler, Mary, estate of. Petition for the appointment of David F. McCarthy, executor. Attorney-General waived right to be heard.

Leonard, Charles I., estate of. Frederick N. Leonard, legatee. Petition for appointment of appraisers.

Lyon, Nancy M., estate of. Henry A. King, executor. Petition for instructions. Disposed of.

Pyne, Desire A., estate of. Edward K. Bodwitha, executor. Petition for instructions. Pending.

Renney, William, estate of. Niles Searles, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Reynolds, Theodore, estate of. Frank H. King, legatee. Petition for appointment of appraisers. Disposed of.

Smith, John M., estate of. Adelaide G. Smith, executrix. Petition for allowance of first account. Attorney-General waived right to be heard.

Thompson, Maud P. Lena E. Wentworth, guardian. Petition for license to receive personal estate. Pending.

Warner, George L., estate of. Frank W. Rising, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Hampshire County.

Back, Ellsworth, estate of. David Aldrich, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Merick, Helen M., estate of. Filelia Perkins, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Shumway, Estes, estate of. George A. Shumway, administrator. Petition for abatement of interest on collateral inheritance tax. Pending.

Taylor, Hiram, estate of. Carrie E. Taylor, executrix. Petition to determine what legacies are subject to tax. Decree.

Middlesex County.

Ames, Mary C., estate of. Franklin T. Hammond, administrator with the will annexed. Petition for instructions. Tax paid and disposed of.

Banagan, James, estate of. Rose E. Banagan, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Barrett, Mary J., estate of. James Cochran, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Bartlett, Hannah Colcord, estate of. James W. Bartlett, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Batchelder, Rebecca H., estate of. Joseph W. Batchelder, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Berry, Eliza W., estate of. Charles H. Berry, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Blakely, Samuel, estate of. George H. Gale, executor. Petition for extension of time of payment of tax. Tax paid and disposed of.
- Burnham, Josephine E., estate of. Frank Y. Burnham, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Butler, John G., estate of. Aaron H. Latham *et al.*, executors. Petition for allowance of final account and for leave to make certain transfers. Attorney-General waived right to be heard.
- Buttrick, Daniel T., estate of. George E. Clarke, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Carey, Bridget, estate of. Nellie F. Carey, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Carlton, Electa M., estate of. Julia A. Dow *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Chapman, Jane A., estate of. Herman B. Chapman, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Chase, Nancy A., estate of. Henry H. Holt, executor. Petition for license to receive personal estate. Pending.
- Chisholm, James, estate of. Wilbur H. Sargent *et al.*, trustees. Petition for extension of time for payment of tax. Assented to extension.
- Clark, Jeremiah, estate of. John C. Bennett, executor. Petition for instructions. Pending.
- Conant, Rebecca H., estate of. Mabelle Conant Jordan, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Connell, John W., estate of. Mary J. Ford, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Conway, Mary, estate of. William Knight, administrator. Petition for license to receive personal estate in Massachusetts. Decree.
- Cook, Josiah P., estate of. Mary H. Cook, executrix. Petition for postponement of time for payment of tax. Assented to postponement.

- Cosey, John, estate of. Jerry Cosey *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Cox, Rose, estate of. Thomas F. Gorman, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Cragin, Eliza H., estate of. Jacob F. Hall, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Cragin, Samuel, estate of. Jacob F. Holt, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Crawford, John, estate of. Nettie M. Crawford, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Crudden, Sarah, estate of. Richard Owen *et al.*, executors. Petition for license to receive personal estate in Massachusetts. Tax paid and disposed of.
- Cushing, Henry G., estate of. W. H. Anderson *et al.*, executors. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Cutting, Lucinda K., estate of. Ella G. Holmes *et al.*; trustees. Petition to extend time of payment of tax. Attorney-General waived right to be heard.
- Davis, Benjamin J., estate of. George P. Davis, executor. Petition for allowance of executor's final account. Attorney-General waived right to be heard.
- Dolloff, William J., estate of. John N. Thompson, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Driscoll, Mary, estate of. Mary I. Fisher, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Efner, Sophia W., estate of. Lucy H. White, legatee. Petition for appointment of appraisers. Attorney-General waived right to be heard.
- Ellis, Hiram, estate of. Ann E. Gale, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Ferry, Frank A., estate of. Eugene H. Ferry, administrator. Petition for license to receive personal estate in Massachusetts. Decree.
- Flanders, Mary A., estate of. Frank Sargent, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Ford, Daniel S., estate of. William A. Monroe, petitioner. Petition for postponement of time for payment of tax on foreign charitable corporations. Attorney-General waived right to be heard.
- Foss, Augustus B., estate of. Jacob E. Chickering, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Foster, Maria M., estate of. Edwin F. Foster, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Fuller, Cornelia, estate of. Mary A. Emery, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Gill, James S., estate of. George H. Levey, trustee. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Gill, Samuel, estate of. James S. Gill, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Goddard, Mary T., estate of. T. G. Frothingham *et al.*, executors. Petition for instructions. Tax paid and disposed of.
- Gooding, Irenius, estate of. Mary B. Gooding, executrix. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Gray, Clarissa, estate of. Will H. Gray, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Gray, Henry N., estate of. Will H. Gray *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Guild, Charles H., estate of. W. H. Furber, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Hall, Lewis, estate of. Lewis A. Hall *et al.*, executors. Petition for instructions. Tax paid and disposed of.
- Hall, Osborn B., estate of. James J. Myers, administrator. Petition for appointment of appraisers. Attorney-General waived right to be heard.
- Harrington, Charles A., estate of. Charles H. Nelson *et al.* executors. Petition for postponement of time for payment of tax. Attorney-General waived right to be heard.
- Harrington, Charles L., estate of. Charles H. Nelson *et al.*, executors. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

- Hawkes, Maria S., estate of. Linda A. Annis, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hazen, Julia H. B., estate of. Daniel G. Brockway, administrator. Petition for license to receive personal estate in Massachusetts. Decree.
- Keyes, Frederick A., estate of. Mary J. Keyes, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Kimball, Peter C., estate of. Edward Kimball, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Knight, Margaret C., estate of. Estella A. Clark, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Leamy, Grace, estate of. John Leamy, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Libby, Salome D., estate of. John McCrillis, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Littlehale, Rufus C., estate of. Sadie M. Littlehale, administratrix. Petition for license to receive personal estate. Pending.
- Lovejoy, Sarah, estate of. Charles L. Perkham, administrator. Petition for license to receive personal estate. Pending.
- Lyford, Mary V., estate of. James H. Brock, administrator. Petition for license to receive personal estate in Massachusetts. Attorney-General waived right to be heard on payment of tax.
- Lynch, John H., estate of. Henrietta K. Lynch, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Marston, Gilman, estate of. Edwin G. Eastman, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- McCullough, Mary E., estate of. John McCullough, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- McLean, Isaac, estate of. Samuel A. McLean, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Moody, Elizabeth W., estate of. Horace Moody, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Morrill, Julia S., estate of. Julian Avery Herrick, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Morrison, Clara A., estate of. Estella A. Quimby, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Murray, Susan, estate of. Thomas Wood, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Nason, Florence Williams, estate of. Harry B. Williams, petitioner. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Nelson, Nancy, estate of. Henry R. Tewksbury, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Nickerson, Jonas C., estate of. James P. Parmenter, administrator. Petition for instructions. Decree.
- Osgood, Asa C., estate of. Frank D. Osgood, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Osgood, Irena, estate of. Jacob Osgood, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Parks, George E., estate of. Lucy Ann Parks, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Peabody, Hattie N., estate of. Wilbur F. Cousens, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Perkins, James K., estate of. Alice M. Scheben, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Pinkham, Thomas H., estate of. Mary R. Pinkham, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Ramsey, John M., estate of. Eveline S. Wilder, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Read, Lucy G., estate of. Richard Stone, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Reed, Pamela H., estate of. Ora E. Reed, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Richardson, Marinda A., estate of. Albert H. Cheney, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Scudder, Gardner H., estate of. Mary Edgcomb *et al.*, executors. Petition for appointment of appraiser. Agreed to appointment of Henry Ware as appraiser.
- Searles, Solomon, estate of. Daniel F. Runnels, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard on payment of tax.
- Shattuck, Emeline, estate of. James T. Bennett, administrator. Petition for allowance of final account and distribution. Attorney-General waived right to be heard.
- Slocum, George E., estate of. Anna M. Slocum, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Small, Orrin W., estate of. Henry M. Small, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Spalding, Mary N., estate of. George E. Clarke, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Stickney, Moses P., estate of. William B. C. Stickney, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Stoddard, Anna M., estate of. Adna B. Stoddard, administratrix. Petition for license to receive personal estate. Pending.
- Stone, Zina E., estate of. Alfred P. Sawyer, executor. Petition for instructions as to payment of collateral inheritance tax. Tax paid and disposed of.
- Tinker, Mary J., estate of. Charles W. Hobbs, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Topliff, Mahala J., estate of. Elijah M. Topliff, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Towne, Althea, estate of. James H. Fay, administrator. Petition for license to receive personal estate. Pending.
- Twiss, Nancy M., estate of. Albert E. Simpson, executor. Petition for license to receive personal estate. Dismissed.
- Webb, Calvin T., estate of. John W. Webb, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Wheeler, John, estate of. Mary H. Wheeler, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Whitcomb, Peter, estate of. Ephraim B. Cobleigh, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Whitcomb, Peter, estate of. Ephraim Cobleigh, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Whitcomb, William E., estate of. Will A. Whitcomb, executor. Petition for license to receive personal estate. Decree.
- Wight, James, estate of. Adelaide M. Sheak *et als.*, executors. Petition for extension of time for payment of inheritance tax. Tax paid and disposed of.
- Wiley, Mary W., estate of. Edwin P. Seaver, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Williams, Jerome W., estate of. Jedediah R. Gray *et al.*, administrators. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Williams, Lovel, estate of. Eliza W. Lawrence, executrix. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Wilson, Royal, estate of. Charles C. Knight *et al.*, executors. Petition for license to receive personal estate. Pending.
- Woodward, Ann, estate of. George G. Read, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Woodbury, Anna M., estate of. George A. Whittemore, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Nantucket County.

- Swain, Emily, estate of. Albert G. Brock, executors. Petition to determine if certain societies named by testator are charitable institutions. Attorney-General waived right to be heard.

Norfolk County.

- Baker, Catherine S., estate of. Charles H. Marble, executor. Petition for license to sell personal property. Attorney-General assented to sale.
- Bullard, Mary, estate of. Frederick D. Ely, executor. Petition for instructions. Disposed of on payment of tax.

Parsons, Georgiana B., estate of. Arthur J. Parsons, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

Rhines, Helen M., estate of. John B. Rhines, executor. Petition for extension of time of payment of collateral inheritance tax. Tax paid and disposed of.

Risk, Thomas, estate of. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Tower, Abner J., estate of. Wilmot J. Evans *et al.*, executors. Petition for allowance of executors' final account. Attorney-General waived right to be heard.

Plymouth County.

Chapman, James H., estate of. Imogene C. Hamilton, administratrix. Petition for license to receive personal estate. Decree.

Keith, Priscilla D., estate of. Samuel E. Barrett, executor. Petition for instructions. Pending.

Perry, Edward Y., estate of. Morrill A. Phillips *et al.*, executors. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

Reed, Edwin, estate of. Leonard A. Saville, executor. Petition for postponement of time for payment of tax. Attorney-General waived right to be heard.

Reed, Pamela H., estate of. Ora E. Reed, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Sweeney, William, estate of. George W. Folsom, Jr., executor. Petition for instructions. Tax paid and disposed of.

Suffolk County.

Abbott, Lucinda M., estate of. Wilbur D. Spencer, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Adams, Benjamin, estate of. Edward F. Adams, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

Andrews, Erasmus Jones, estate of. Caroline F. Sanborn *et al.*, executors and trustees. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

Austin, Edward, estate of. Edward William Hooper *et al.*, executors. Petition for instructions. Decree. Appealed to Supreme Judicial Court. Decree of Probate Court affirmed. 59 N. E. Rep. 678.

- Bain, Clara T., estate of. Edith M. Colby, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Balch, Newton C., estate of. Harlan P. Cummings, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Barry, David, estate of. John M. Mitchell, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Barry, John E., estate of. John M. Mitchell, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Bartlett, Aroline E., estate of. Levi S. Bartlett, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Bartlett, Hannah Colcord, estate of. James W. Bartlett, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Batchelder, Nathaniel P., estate of. Francis M. Hughes, administrator. Petition for license to receive personal estate in Massachusetts. Decree.
- Billings, Robert C., estate of. Thomas Minns *et al.*, executors. Bill in equity for instructions relating to a charitable trust. Attorney-General waived right to be heard.
- Bowers, Henry E., estate of. New England Trust Company, executor. Petition for extension of time for payment of tax. Not entered.
- Brigham, Peter B., estate of. Edmund O. Codman *et al.*, petitioners. Petition for the appointment of a trustee for the purposes of a charitable trust. Attorney-General waived right to be heard.
- Brooks, Mary S., estate of. Frederick M. Brooks, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Brown, Abby, estate of. Clara B. Brown, administratrix. Petition for license to receive personal estate in Massachusetts. Decree.
- Brown, Harold, estate of. Sophia Augusta Brown, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Brown, John Nicholas, estate of. Natalie Bayard Brown *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Brown, Sarah K., estate of. Edmund H. Brown, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Brown, Susan A., estate of. Charles P. Chase, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard on payment of tax.
- Bruce, Catherine W., estate of. Jacob K. Lockman *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Call, Alvin F., estate of. Harriet A. Call, executrix. Petition for license to receive personal estate. Pending.
- Capstick, John, estate of. John H. Capstick *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Carpenter, Jane J., estate of. Elias H. Peters, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Chamberlain, Frederick W., estate of. Mary E. Chamberlain, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Charman, Ellen, estate of. George Knox Morice *et als.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Chessman, William H., estate of. Benj. F. Brown *et als.*, executors. Petition for instructions. Tax paid and disposed of.
- Cole, Mary E. W., estate of. Arthur M. Cole, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Coleman, Michael M., estate of. Lizzie E. Coleman, administratrix. Petition for license to receive personal estate in Massachusetts. Decree.
- Crane, Philena T., estate of. William J. Stanton, trustee. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Crawford, John, estate of. Nettie M. Crawford, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dane, Charlotte F., estate of. Samuel M. Came, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dimond, Charles C., estate of. George P. Furber, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

- Dodge, Benjamin F., estate of. Charles B. Dodge *et al.*, administrators. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dodge, Martha E., estate of. Harvey Dodge, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dolloff, William J., estate of. John N. Thompson, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dorr, Henry, estate of. Charles W. Lord, trustee. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Driscoll, Sarah J., estate of. Margaret S. Driscoll, executrix. Petition for license to receive personal estate. Pending.
- Duncan, John, estate of. Cristy H. Duncan, administratrix. Petition for license to receive personal estate. Pending.
- Dunn, Mary, estate of. Richard O'Brien, executor. Petition for license to receive personal estate. Pending.
- Earl, Elizabeth Jane King, estate of. David T. Brownell *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Eckley, Julia A., estate of. Thomas P. Peckham, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Eckley, Julia A., estate of. Thomas P. Peckham, administrator. Petition for license to receive personal estate. Pending.
- Eddy, Robert Henry, estate of. Charles U. Cotting *et al.*, trustees. Petition for decree that certain funds are not taxable, testator having died in 1887. Attorney-General waived right to be heard.
- Edwards, John, estate of. Helen A. Edwards, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Edwards, Nathaniel P., estate of. Charles W. Edwards, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Ellis, Hiram, estate of. Ann E. Gale, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Emery, Lewis L., estate of. Martin A. Rockwood, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Falconer, George, estate of. Annie Falconer, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Faulkner, Abby L. A., estate of. Charles B. Bowditch *et al.*, executors. Petition for postponement of time for payment of tax. Attorney-General waived right to be heard.
- Fifield, Benjamin F., estate of. Etta L. Fifield, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Fitts, James H., estate of. Mary C. Fitts, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Flanders, Hattie B., estate of. Edward G. Flanders, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Ford, Mary, estate of. Patrick Shea, administrator. Petition for license to receive personal estate. Pending.
- Foster, Sarah H., estate of. Mary A. Foster, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Gay, Ezra M., estate of. Charles H. Burns *et al.*, administrators. Petition for license to receive personal estate. Attorney-General waived right to be heard on payment of tax.
- Gennaro, Joseph D., estate of. Elvira D. Gennaro, petitioner. Petition for appointment of administrator. Patrick O'Laughlin appointed administrator. Pending.
- Gill, Samuel, estate of. James S. Gill, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Glynn, James, estate of. Louis H. Bristol, trustee. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Glynn, Sarah, estate of. Arthur P. Rose, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Goodhue, Converse, estate of. Lorenzo D. Dunbar, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Gould, Sarah A., estate of. W. H. Gould *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Greenleaf, Wilmot, estate of. Herman E. Greenleaf, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Grover, Helen M., estate of. Albert F. Conant, executor. Petition for instructions. Tax paid and disposed of.
- Hardy, Nettie, estate of. Charles D. Austin, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hawkins, Charles W., estate of. Laura P. Hawkins, administratrix. Petition for license to receive personal estate in Massachusetts. Decree.
- Hayden, George H., estate of. Frank D. Hayden, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hill, George W., estate of. George W. C. Hill, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hills, Susan E., estate of. Thomas Quincy Browne, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hillman, John, estate of. Patrick Boland, administrator. Petition for license to receive personal estate. Pending.
- Hilt, N. Emerson, estate of. Frederic W. Hilt, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hinman, Robert S., estate of. Jennie E. Weld, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Holmes, Hannah Maria, estate of. Frank T. Clawson, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hosmer, Edward B., estate of. Elizabeth S. Hosmer, executrix. Petition for instructions and extension of time for payment of tax. Decree.
- Houghton, John C., estate of. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Howe, Irving A., estate of. D. J. Lord, administrator. Petition of Treasurer and Receiver-General for payment of tax on certain legacies. Pending.
- Howe, Lucy M., estate of. Emeline M. Turner, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hoyt, Emily, estate of. Joseph T. Bartlett, administrator. Petition for license to receive personal estate. Pending.
- Hyde, Sarah B., estate of. Andreas Blume *et al.*, petitioners. Petition for instructions. Pending.

- King, Elizabeth H., estate of. Charles S. Collins, administrator. Petition for license to receive personal estate. Pending.
- Lamprey, Lewis S., estate of. Geo. W. Sanborn, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Learned, Catherine M., estate of. Kittie A. Lufkin, administratrix. Petition for license to receive personal estate. Pending.
- Leavitt, George W., estate of. Jack Sanborn, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Legro, Mary C., estate of. J. Q. A. Wentworth, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Lowell, Eliza, estate of. George A. Safford *et al.*, executors. Petition for license to receive personal estate in Massachusetts. Pending.
- Mack, Thomas, estate of. Seth M. Milliken *et al.*, executors. Petition for allowance of first and final account. No action taken.
- Marion, Jennette A., estate of. George P. Marvin, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Mather, Clara F., estate of. Charles D. Mather, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Mauron, Mary L., estate of. F. H. Nichols *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Maxwell, Joshua, estate of. Harriett Maxwell, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- McDonald, Syrene, estate of. William H. Haskell, executor. Petition for instructions. Pending.
- McDougall, Elizabeth H., estate of. Hannah T. Pendleton, administratrix. Petition for license to receive personal estate in Massachusetts. Decree.
- McMurphy, Lucy J., estate of. Thomas W. D. Worthen, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Morrill, Sarah W., estate of. Thomas B. Twombly, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Mower, Anna Josephine, estate of. William C. Bowers, executor.
Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Mower, Mandeville, estate of. Sarah E. Mower *et als.*, administrators. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Myrick, Lucretia Barnard, estate of. Charles T. Carruth, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Nason, Waldo E., estate of. John E. Chalfield, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Nevins, David, estate of. Henry S. Shaw *et als.*, executors. Petition for postponement of time for payment of tax. Attorney-General waived right to be heard.
- Odlin, Augusta F., estate of. John H. Robbins, executor. Petition for instructions as to payment of tax. Pending.
- Packard, Julia A., estate of. George O. Packard, administrator. Petition for license to receive personal estate. Pending.
- Peabody, Sarah J., estate of. Amos Southwick, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Perkins, Frances M., estate of. Richard C. Humphreys, administrator. Petition for postponement of time for payment of tax. Consented to postponement.
- Perkins, James K., estate of. Alice M. Scheben, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Perley, Putnam, estate of. Fred J. Bicknell *et al.*, executors. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Phelps, Lucy T., estate of. Edward A. Phelps *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Phillips, John H., estate of. Thomas A. Bassett, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Pierce, Rachael L., estate of. Harvey P. Holt, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Pratt, Franklin S., estate of. Charles H. Pratt, executor. Petition for instructions. Pending.
- Prosser, Levi, estate of. Augustus F. Scott *et al.*, trustees. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.

- Preston, Frances Marion, estate of. Thomas W. Merrill, trustee. Petition for instructions. Pending.
- Purinton, Margaret P., estate of. Noble Maxwell, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Reed, Pamela H., estate of. Ora E. Reed, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Richards, Louise S., estate of. Charles S. Richards, administrator. Petition for license to receive personal estate in Massachusetts. Pending.
- Ricker, Joseph F., estate of. Stephen L. Bartlett *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Risk, Thomas, estate of. Thomas Francis Risk, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard on payment of tax.
- Robinson, Susan A., estate of. Fred C. Peaslee, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Rogers, Daniel T., estate of. New York Life Insurance and Trust Company, trustee. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Rowse, Samuel W., estate of. Ella A. Rowse *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Rudd, Alice A., estate of. Stephen B. Meech, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Sackett, Nancy Parks, estate of. Petition for license to receive personal estate in Massachusetts. Tax paid and disposed of.
- Scarlett, Joseph, estate of. Virginia J. Moore, petitioner. Petition for appointment of appraisers. Attorney-General waived right to be heard on return of appraisers.
- Searles, Solomon, estate of. Daniel F. Runnells, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard on payment of tax.
- Shapleigh, James B., estate of. James H. Shapleigh, trustee. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Shepard, Oliver H., estate of. Louis C. Dawes, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Small, Orrin W., estate of. Henry M. Small, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Smead, Charles B., estate of. Frederick Z. Dickinson, administrator. Petition for license to receive personal estate. Pending.
- Smith, Charles Frederick, estate of. William R. Driver, executor. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Smith, Mary Ann, estate of. William Smith, guardian. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Spaulding, George C., estate of. Albert M. Spaulding, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Spence, Virginia Waldron, estate of. Ross N. Bowers, executrix. Petition for license to receive personal estate. Pending.
- Stacy, Eliza W., estate of. Mary J. Stacy, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Stone, Narcissa, estate of. Ardon W. Coombs, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Sutton, Anne H., estate of. David Sutton, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Sweeney, Ellen Towle, estate of. Henry L. Sweeney, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Thomas, Jane G., estate of. Stephen B. Meech, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Thompson, Laforest H., estate of. W. W. Miles, administrator. Petition for license to receive personal estate. Pending.
- Tobey, Elizabeth, estate of. Elizabeth W. Tobey, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Tuckerman, Robert, estate of. Harriet W. Tuckerman, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Tyler, Rebecca S., estate of. Frederick W. Tyler, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Upham, Charlotte M., estate of. Elizabeth K. Farnam, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Varney, Frank R., estate of. Annie A. Varney, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wait, John E., estate of. Eben W. Jones, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Webb, Benjamin, estate of. Jacob Van V. Olcott *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wells, Sarah E. P., estate of. Caroline M. Martin, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wensley, George W., estate of. Robert S. Wensley *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wheeler, John, estate of. Mary H. Wheeler, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wheeler, Roxana W., estate of. Helen W. Jenney, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wheelwright, Edward, estate of. Isaphene M. Wheelwright, executrix. Petition for instructions. Decree.
- Whitney, William D., estate of. Elizabeth W. Whitney *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Wilson, Royal, estate of. Charles Emery Knight *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Woodbury, Anna M., estate of. George A. Whittemore, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Woodward, Abijah, estate of. Greenleaf C. George, trustee. Petition for instructions. Tax paid and disposed of.

Worcester County.

- Arthur, Adeline E., estate of. Charles H. Williams, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Back, Ellsworth, estate of. David Aldrich, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Back, Ellsworth, estate of. David Aldrich, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Brigham, George O., estate of. Henry S. Knight, administrator. Petition for appointment of appraisers. Assented to appointment Edwin B. Harvey, Francis E. Cary and Henry L. Clemence, appraisers.
- Buck, Horace B., estate of. Eliza A. Buck, executrix. Petition for instructions. Pending.
- Burnham, Fannie S., estate of. Augustus A. Scales, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Colburn, Willard, estate of. E. M. Smith, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Connor, Timothy, estate of. Nelson H. Tunnicliff, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Cuddihy, Patrick, estate of. James T. Canavan *et al.*, petitioners. Petition to amend inventory. Pending.
- Davis, Ada C., estate of. George H. Davis, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Dowling, Daniel, estate of. Frederick M. Cole *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Grubb, William, estate of. William J. Grubb, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Harrington, Betsy L., estate of. Irene L. Hardy, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Herdeen, Tryphena, estate of. Henry Herdeen, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hobart, Eliza A., estate of. Nathaniel Hobart, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Holbrook, Susan J., estate of. George E. Holbrook *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Houghton, John C., estate of. Mary L. Houghton, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Howard, Jane R., estate of. Robert K. O'Neil, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hubbard, Rodney A., estate of. Eliza J. Hubbard, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Hurley, Helen, estate of. John J. Hurley, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Jackson, Michael C., estate of. Catherine A. Jackson, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- James, Alanson, estate of. Newman W. James, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Kimball, Edith H., estate of. E. M. Smith, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Kinnicutt, Augusta, estate of. Daniel S. Bushee, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Lewis, Abbie M., estate of. Samuel M. Came, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Miller, Richard S., estate of. William M. Peckham, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Mower, Caroline C., estate of. J. Russell Marble *et al.*, trustees. Petition for reappraisal. Pending.
- Newton, Harvey, estate of. Charles J. Hooper *et al.*, executors. Petition for instruction and appraisal. Pending.
- Osgood, Helen A., estate of. Jacob N. Davis, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Parker, M. Isadore, estate of. Evelyn L. Murdock Ward, petitioner. Petition to declare appraisal void and ordering reappraisal. Tax paid and disposed of.
- Platts, Julia M., estate of. Charles F. Platts, executor. Petition for license to receive personal estate. Attorney-General waived right to be heard.

- Rice, Alice M., estate of. Charles M. Rice, executor. Petition for instructions. Decree. Appealed by petitioner to Supreme Judicial Court. Pending.
- Ripley, Samuel B., estate of. Martha Ripley, executrix. Petition for extension of time for payment of tax. Attorney-General waived right to be heard.
- Robertson, James, estate of. James Robertson *et al.*, executors. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Ruggles, Anson M., estate of. Margaret J. Ruggles, administratrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Runyan, Elizabeth S., estate of. Frank E. Gleason, administrator. Petition for license to receive personal estate. Pending.
- Sewall, Philip G., estate of. George Elkins, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Sibley, Elizabeth A., estate of. Eugene L. Sibley, administrator. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Stearns, Benjamin F., estate of. Orsemor S. Holden, administrator. Petition for license to receive personal estate. Pending.
- Swords, Charles R., estate of. Sarah M. Swords, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.
- Tarbell, Solon, estate of. Myra G. Tarbell, executrix. Petition for license to receive personal estate. Attorney-General waived right to be heard.

PUBLIC CHARITABLE TRUSTS.

Essex County.

Essex Agricultural Society *v.* Massachusetts General Hospital Corporation and the Attorney-General. Petition to sell real estate and to apply the doctrine of *cy-pres*. Service accepted. Petition dismissed. Petitioner appealed. Pending.

Mackay, Frances Mary, estate of. Hersey B. Goodwin *et al.*, executors. Petition for leave to compromise a claim against said estate. Attorney-General waived right to be heard.

Walcott, John B., estate of. Milton E. Smith *et al.*, overseers of the poor of Natick, trustees. Petition for license to sell certain shares of stock. Pending.

Suffolk County.

Bullard, George E., *et al.* Petition to sell real estate subject to a charitable trust. Attorney-General waived right to be heard.

Bussey, Benjamin, estate of. Bill in equity to authorize trustees of a public charitable trust to sell land. Pending.

Doane, Thomas, estate of. David B. Perry, trustee. Petition for decree to fix collateral inheritance tax to be paid on income to Doane College. Attorney-General waived right to be heard.

Eckley, Frances A., estate of. Petition for appointment of Gannet Wells as trustee. Attorney-General waived right to be heard.

Franklin, Benjamin, estate of. Petition of the Attorney-General for appointment of trustees under will of Benjamin Franklin. Henry L. Higginson, Francis C. Welch, A. Shuman, Chas. T. Gallagher, Rev. Chas. W. Duane, Stopford Brooke and Alexander K. McLennan appointed trustees. Pending.

Liversidge, Thomas, estate of. Horatio N. Glover *et al.*, petitioners. Petition for the appointment of Clifton Rogers Clapp as trustee. Attorney-General waived right to be heard.

Mackey, Frances Mary, estate of. Petition for allowance of final account of executor. Attorney-General waived right to be heard.

Messerve, Hopley T., estate of. George H. Penderghast, executor. Petition regarding a public charitable trust. Pending.

Murray, Patrick, estate of. Petition for appointment of a master to devise a scheme for distribution of trust funds. Pending.

Smith, James, estate of. Attorney-General *v.* Abner C. Goodell, administrator. An information asking the court to decree a scheme for carrying out a public charity. Pending.

Thompson, Thomas, estate of. Minot, trustee, *v.* Attorney-General. Bill in equity regarding a public charitable trust. Pending.

Watterson, Robert C., estate of. Robert W. Lord, trustee. Public charitable trust. Petition for leave to distribute a portion of the estate. Pending.

Williams, Charles, estate of. John Ballantyne, executor. Petition for appointment of trustee for the purposes of a charitable trust. Attorney-General waived right to be heard.

Worcester County.

Copeland, Ephraim, estate of. Malcolm G. Clark, trustee. Petition for license to sell land devised by testator for purposes of a charitable trust. Attorney-General waived right to be heard.

Fyfe, William E., estate of. Mary J. Fyfe, executrix. Petition for decree declaring null and void a devise of real estate for some benevolent object. Pending.

Fyfe, William E., estate of. Mary J. Fyfe, executrix. Bill in equity relating to a charitable trust. Pending.

The following cases have been brought for alleged land damages incurred in the alteration of grade crossings. The Commonwealth, being obliged under the statutes to pay at least twenty-five per cent. of the expenses incurred in the alteration of all grade crossings, has in all cases been made a party thereto.

Mary Casey *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.

Mary Simpson *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.

F. R. Elwell *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.

- Elizabeth N. Thompson *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- John A. Partridge *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- William M. Trow *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- Charles P. Damon *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- John A. Kearns *v.* Connecticut River Railroad *et als.* Superior Court, Hampshire County. Dismissed.
- Arthur C. Guilford *v.* New Haven & Northampton Company *et als.* Superior Court, Hampshire County. Dismissed.
- William F. Kingsley *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- Timothy Sullivan *v.* City of Northampton *et als.* Superior Court, Hampshire County. Dismissed.
- William J. Hall *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- Robert Monsey *v.* City of Northampton *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- Martha E. Dickerson *v.* Boston & Maine Railroad *et als.* Superior Court, Hampshire County. Judgment for plaintiff.
- John A. Keaines *v.* Boston & Maine Railroad *et al.* Superior Court, Hampshire County. Dismissed.
- Timothy Sullivan *v.* City of Northampton *et als.* Superior Court, Hampshire County. Dismissed.
- Commonwealth of Massachusetts *v.* City of Boston *et als.* Superior Court, Suffolk County. Pending.
- Commonwealth of Massachusetts *v.* City of Boston *et als.* Superior Court, Suffolk County. Pending.
- Robert Codman *et als. v.* New England Railroad Company *et als.* Superior Court, Suffolk County. Pending.
- City of Boston *v.* Boston Wharf Company *et als.* Superior Court, Suffolk County. Pending.
- Bridget Ballentine *et al. v.* Town of Gardner. Superior Court, Worcester County. Pending.
- George H. Sprague *v.* Fitchburg. Superior Court, Worcester County. Pending.
- Putnam Machine Company *v.* Fitchburg. Superior Court, Worcester County. Pending.
- Levi W. Phelps *v.* Fitchburg Railroad. Superior Court, Middlesex County. Pending.
- Susan C. Dickinson *et al. v.* Fitchburg. Superior Court, Worcester County. Pending.

Commonwealth *v.* Boston Terminal Company. Superior Court,
Suffolk County. Pending.

Commonwealth *v.* Boston Terminal Company. Superior Court,
Suffolk County. Pending.

Margaret Thompson *et al. v.* Gardner. Superior Court, Worces-
ter County. Judgment for plaintiff.

Frank Pierce *et al. v.* Gardner. Superior Court, Worcester County.
Judgment for plaintiff.

SUITS CONDUCTED BY THE ATTORNEY-GENERAL IN BEHALF OF STATE BOARDS AND COMMISSIONS.

The following cases have been reported to this department by State boards and commissions, to be conducted by the Attorney-General or under his direction, pursuant to the provisions of St. 1896, c. 490:—

1. METROPOLITAN PARK COMMISSION.

Petitions to the Superior Court for assessment of damages alleged to have been sustained by the taking of land by the said commission.

Essex County.

Hay, Allan, *v.* Commonwealth. Pending.

Murphy, Michael, *v.* Commonwealth. Pending.

Middlesex County.

Alther, Henry J., *v.* Commonwealth. Pending.

Alther, Julia, *v.* Commonwealth. Pending.

Ames, Nathaniel P., *v.* Commonwealth. Pending.

Bean, Charlotte, *et als. v.* Commonwealth. Pending.

Bench, John, *v.* Commonwealth. Pending.

Bench, Thomas, *v.* Commonwealth. Pending.

Bigelow, George B., trustee, *v.* Commonwealth. Trial by jury.

Billings, Mary Martina, *v.* Commonwealth. Settled.

Billings, Mary Martina, *v.* Commonwealth. Settled.

Blank, Philip J., *v.* Commonwealth. Settled.

Brackett, Albert, *v.* Commonwealth. Trial by jury.

Bragdon, Louis G., *v.* Commonwealth. Pending.

Bridge, Edmund, *v.* Commonwealth. Pending.

Brigham, Mary, *et al. v.* Commonwealth. Settled.

Brusendorff, Victor, *et al. v.* Commonwealth. Pending.

Campbell, Catherine B., *v.* Commonwealth. Pending.

Carret, James R., trustee, *v.* Commonwealth. Pending.

Case, Moses, trustee, *v.* Boston & Maine Railroad Company.

Trial by jury.

Chandler, Frank E., *v.* Commonwealth. Pending.

Chase, Edward M., *v.* Commonwealth. Settled.

- Chase, Juliana, *et al. v. Commonwealth.* Pending.
Chipman, George W., assignee, *v. Commonwealth.* Settled.
Clark, David O., *et al. v. Commonwealth.* Pending.
Clarke, Nathan D. A., *v. Commonwealth.* Pending.
Clarke, Nathan D. A., *v. Commonwealth.* Pending.
Clarke, Nathan D. A., *v. Commonwealth.* Pending.
Clarke, Nathan D. A., *v. Commonwealth.* Pending.
Connors, Hannah, *v. Commonwealth.* Pending.
Corey, Henrietta E., *v. Commonwealth.* Pending.
Corey, Henrietta E., *v. Commonwealth.* Pending.
Craig, Isabel, *v. Commonwealth.* Settled.
Crehore, Frederick M., *et al. v. Commonwealth.* Settled.
Curtis, Charles P., trustee, under the will of John M. Williams,
v. Commonwealth. Pending.
Darcy, Christopher, *v. Commonwealth.* Settled.
DeCoursey, John J., *v. Commonwealth.* Pending.
Dowd, Martha A., *v. Commonwealth.* Pending.
Dolan, John W., *v. Commonwealth.* Settled.
Dwyer, Michael F., *v. Commonwealth.* Pending.
Dwyer, William, *v. Commonwealth.* Settled.
Early, James A., *v. Commonwealth.* Pending.
Gould, Alice A., *v. Commonwealth.* Pending.
Gould, Alice A., *v. Commonwealth.* Trial by jury.
Gould, Alice A., *et al. v. Commonwealth.* Trial by jury.
Gould, Alice A., *et al. v. Commonwealth.* Pending.
Hadley, Benjamin, *v. Commonwealth.* Pending.
Hadley, Benjamin, *v. Commonwealth.* Pending.
Hadley, Benj., *et al. v. Commonwealth.* Pending.
Hadley, Benj., *et al. v. Commonwealth.* Pending.
Hadley, Benj., *v. Commonwealth.* Pending.
Hadley, Benj., *v. Commonwealth.* Pending.
Hale, Charles A., *v. Commonwealth.* Settled.
Hale, Edwin B., *v. Commonwealth.* Settled.
Hall, Charles A., *v. Commonwealth.* Pending.
Harrington, John A., *v. Commonwealth.* Pending.
Hatch, George S., *v. Commonwealth.* Pending.
Hatch, George S., *et al. v. Commonwealth.* Pending.
Heffer, Hannah J., *et al. v. Commonwealth.* Pending.
Hemenway, Alfred, *v. Commonwealth.* Pending.
Hodges, Arthur J., *v. Commonwealth.* Pending.
Holton, Amy W., *v. Commonwealth.* Pending.
Lawrence, Samuel C., *v. Commonwealth.* Pending.
Lovewell, Harriet R., *v. Commonwealth.*
Lynde, A. Selwyn, administrator, *v. Commonwealth.* Pending.

- Magoun, Margaret, *v. Commonwealth.* Pending.
- McCarthy, Jeremiah, heirs of, *v. Commonwealth.* Settled.
- McMahon, Rose A., *v. Commonwealth.* Trial by jury.
- Niles, Sullivan, *et al. v. Commonwealth.* Settled.
- O'Riorden, Patrick, *v. Commonwealth.* Pending.
- O'Riorden, Patrick, *v. Commonwealth.* Pending.
- Peterson, Jacob J. S., *v. Commonwealth.* Pending.
- Pratt, Marland L., *v. Commonwealth.* Pending.
- Preston, Marion W., *v. Commonwealth.* Settled.
- Quimby, Alfred W., *v. Commonwealth.* Settled.
- Quimby, Alfred W., *v. Commonwealth.* Settled.
- Rand, Arnold A., *et als. v. Commonwealth.* Settled.
- Rand, Arnold A., *et als. v. Commonwealth.* Settled.
- Rand, Arnold A., *et als. v. Commonwealth.* Settled.
- Rand, Arnold A., *et als. v. Commonwealth.* Settled.
- Reinhard, Adam, *et al. v. Commonwealth.* Pending.
- Rich, Frederick L., *v. Commonwealth.* Settled.
- Rich, Mabel C., *v. Commonwealth.* Pending.
- Robertson, John R., *v. Commonwealth.* Pending.
- Rogers, Frank R., *et al.*, executors of Joseph F. Wilson, *v. Commonwealth.* Pending.
- Rogers, Frank R., *et al.*, executors of the estate of Joseph F. Wilson, *v. Commonwealth.* Pending.
- Rogers, Frank R., *et al.*, executors of the estate of Joseph F. Wilson, *v. Commonwealth.* Pending.
- Rogers, Frank R., *et al.*, executors of the estate of Joseph F. Wilson, *v. Commonwealth.* Pending.
- Ross, Frances J., *et al. v. Commonwealth.* Settled.
- Seaver, Ephraim Parker, *et als. v. Commonwealth.* Settled.
- Seaverns, Susan P., *et al. v. Commonwealth.* Settled.
- Sewall, George F., *et al. v. Commonwealth.* Pending.
- Shanahan, Michael, *v. Commonwealth.* Pending.
- Smith, G. Edward, *v. Commonwealth.* Pending.
- Smith, G. Edward, *v. Commonwealth.* Pending.
- Snow, Edward L., *v. Commonwealth.* Pending.
- Stark, Annie M., *v. Commonwealth.* Settled.
- Stevens, J. Elizabeth, *et al.*, heirs of Richard Dexter, *v. Commonwealth.* Pending.
- Stewart, Martha P., *v. Commonwealth.* Pending.
- Stewart, Martha P., *v. Commonwealth.* Pending.
- Stone, Joseph, *et al. v. Commonwealth.* Trial by jury.
- Stone, Joseph, *et als. v. Commonwealth.* Pending.
- Sullivan, Daniel P., *et al. v. Commonwealth.* Pending.
- Symmes, Arthur C., *v. Commonwealth.* Pending.

Travers, Michael, *v.* Commonwealth. Settled.
 Waltham Gas Light Company *v.* Commonwealth. Settled.
 Warren, Daniel, *v.* Commonwealth. Pending.
 Warren Institution for Savings *et al. v.* Commonwealth. Pending.
 Welch, Albert W., *v.* Commonwealth. Pending.
 Wellington, James E., *v.* Commonwealth. Pending.
 Wellington, James E., *et al.*, trustees, *v.* Commonwealth. Pending.
 Wells, Edwin H., *et als. v.* Commonwealth. Pending.
 Welsh, Willard, *et al. v.* Commonwealth. Pending.
 Whitney, Alice F., *v.* Commonwealth. Pending.
 Whitney, Arthur E., *et al. v.* Commonwealth. Pending.
 Whitney, John R., *et al.*, trustees, *v.* Commonwealth. Pending.
 Woodworth, Sarah A., *v.* Commonwealth. Settled.

Norfolk County.

Bowditch, Ernest W., *v.* Commonwealth. Pending.
 Bowley, Anna M., *et al. v.* Commonwealth. Pending.
 Bronsdon, Louis V., *et al. v.* Commonwealth. Settled.
 Chase, Elvira M., *v.* Commonwealth. Pending.
 Dean, Henry M., *v.* Commonwealth. Pending.
 DeLue, George B., *v.* Commonwealth. Pending.
 Denny, John W., *v.* Commonwealth. Pending.
 Devlin, Mary A., *v.* Commonwealth. Pending.
 Fife, Margaret, *v.* Commonwealth. Settled.
 Fox, Catherine, *v.* Commonwealth. Pending.
 Gallagher, Joseph H., *et al. v.* Commonwealth. Pending.
 Gray, Thomas H., *v.* Commonwealth. Trial by jury.
 Hamblin, Howard M., *v.* Commonwealth. Pending.
 Harlow, William H., *et als.*, executors, *v.* Commonwealth.
 Pending.
 Hawes, Charles E., *v.* Commonwealth. Pending.
 Hayden, John E. V., *v.* Commonwealth. Pending.
 Higgins, Henry M., *v.* Commonwealth. Pending.
 Howe, Kittie M., *v.* Commonwealth. Pending.
 Kennedy, John, *v.* Commonwealth. Pending.
 Klous, Seaman, *v.* Commonwealth. Pending.
 MacDonnell, Mary A., *v.* Commonwealth. Pending.
 Mahoney, Dennis W., *et al. v.* Commonwealth. Pending.
 Marron, Phillip, *et al. v.* Commonwealth. Pending.
 McGowan, Andrew, *v.* Commonwealth. Pending.
 McGrath, Thomas, *v.* Commonwealth. Pending.
 McKenna, Elizabeth, *v.* Commonwealth. Pending.

Milton, Inhabitants of, *v.* Commonwealth. Pending.
New England Trotting Horse Breeders' Association *v.* Commonwealth. Pending.
Ober, Louis P., *v.* Commonwealth. Settled.
Pierce, Frederick L., *v.* Commonwealth. Settled.
Pieno, James C., *v.* Commonwealth. Trial by jury.
Pope, Hannah C., *v.* Commonwealth. Pending.
Putnam, George, *et al.*, trustees of Henry L. Pierce, *v.* Commonwealth. Pending.
Reardon, Ellen, *v.* Commonwealth. Pending.
Rice, Clifford H., *et al. v.* Commonwealth. Settled.
Russell, James S., *v.* Commonwealth. Pending.
Schultze, Gustav A., *v.* Commonwealth. Pending.
Scott, Jane W., *v.* Commonwealth. Pending.
Seyter, William G., *v.* Commonwealth. Settled.
Stack, John, *v.* Commonwealth. Pending.
Stack, John, trustee, *v.* Commonwealth. Pending.
Weil, Albert, *v.* Commonwealth. Settled.
White, Frances M. E., executrix. Settled.
Willcomb, George, *v.* Commonwealth. Pending.

Plymouth County.

Foster, Charles H., *v.* Commonwealth. Pending.
Grimes, George, *v.* Commonwealth. Settled.
McMahon, Mary A., *v.* Commonwealth. Settled.

Suffolk County.

Adams, Adoniram J., *v.* Commonwealth. Pending.
Atkins, Florence R., *v.* Commonwealth. Pending.
Bamford, Albert J., *et als. v.* Commonwealth. Pending.
Boston & Revere Electric Street Railway Company *v.* Commonwealth. Pending.
Boston & Revere Electric Street Railway Company *v.* Commonwealth. Non-suited.
Clark, Theodore E., *v.* Commonwealth *et al.* Pending.
Conness, John, *v.* Commonwealth. Pending.
Coughlin, Abbie F., *v.* Commonwealth. Pending.
Donnelly, James J., *v.* Commonwealth. Pending.
Dresser, Mary A. P., *v.* Commonwealth. Pending.
Dresser, William R., *v.* Commonwealth. Pending.
Emerson, Catherine, trustee, *v.* Commonwealth. Pending.
Harvard College *v.* Commonwealth. Settled.
Hall, Francis J., *et als. v.* Commonwealth. Pending.

- Hazlett, John P., *v.* Commonwealth. Pending.
- Higgins, James, *et al. v.* Commonwealth. Settled.
- Hincke, Maria Anna, *v.* Commonwealth. Settled.
- Jessop, Ann Elizabeth, *v.* Commonwealth. Pending.
- Jones, Alfred E., *v.* Commonwealth. Pending.
- Jones, Alfred E., *v.* Commonwealth. Pending.
- Jones, Charles A., *v.* Commonwealth. Pending.
- Jones, Charles A., *v.* Commonwealth. Pending.
- Jones, Francis A., *v.* Commonwealth. Pending.
- Jones, Francis A., *v.* Commonwealth. Pending.
- Jones, George H., *et al. v.* Commonwealth. Pending.
- Jones, George H., *et al. v.* Commonwealth. Pending.
- Jones, Robert J., *v.* Commonwealth. Pending.
- Jones, Robert J., *v.* Commonwealth. Pending.
- Jones, Sarah E., *v.* Commonwealth. Pending.
- Jones, Sarah E., *v.* Commonwealth. Pending.
- Lynn & Boston Railroad Company *v.* Commonwealth. Non-suited.
- Lynn & Boston Railroad Company *v.* Commonwealth. Pending.
- Martine, Abba M., *v.* Commonwealth. Pending.
- Mayers, John H., executor, *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- New York, New Haven & Hartford Railroad Company *v.* Commonwealth. Pending.
- Putnam, Jane, *et al. v.* Boston, Revere Beach & Lynn Railroad Company. Trial by sheriff's jury.
- Putnam, Jane, *et al. v.* Boston & Maine Railroad Company. Trial by sheriff's jury.
- Rogers, Mary E., *v.* Commonwealth. Pending.
- Singleton, Mary E., *v.* Commonwealth. Pending.
- Skilton, Elizabeth A., *v.* Commonwealth. Pending.
- Smith, Emma, *v.* Commonwealth. Pending.

Thayer, Joseph Henry, *et al. v. Commonwealth.* Pending.
 Wadsworth, P. Briggs, *v. Commonwealth.* Pending.
 Wadsworth, Susan, *v. Commonwealth.* Pending.
 Wright, George F., *et als. v. Commonwealth.* Settled.
 Wyman, George W., *v. Commonwealth.* Pending.

2. METROPOLITAN SEWERAGE COMMISSION.

Petitions to the Superior Court for assessment of damages alleged to have been sustained by the taking of rights and easements in lands by said commission.

Middlesex County.

Stone, Joseph, *et al. v. Commonwealth.* Pending.

Norfolk County.

Flint, Charles L., *v. Commonwealth.* Pending.
 Hunt, Henry W., *et al. v. Commonwealth.* Pending.
 Scheffreen, Jacob, *v. Commonwealth.* Pending.
 Tyndale, Theodore H., *v. Commonwealth.* Pending.
 Veale, Peter P., *v. Commonwealth.* Pending.

Suffolk County.

Boston *v. Commonwealth.* Pending.
 Boston *v. Commonwealth.* Pending.
 Boston *v. Kingman et al.* Pending.
 Evangelical Lutheran Church for Works of Mercy *v. Commonwealth.* Pending.
 Finneran, William, *v. Commonwealth.* Pending.
 Harvard College *v. Commonwealth.* Pending.
 Holyhood Cemetery Association *v. Commonwealth.* Settled.
 Krug, John, *v. Commonwealth.* Dismissed.
 Nawn, Henry P., *v. Commonwealth.* Settled.
 Noon, Margaret, *v. Commonwealth.* Pending.
 Richards, Annette, *et al. v. Commonwealth.* Pending.
 Sheehan, John, *v. Commonwealth.* Referred to an auditor.
 Pending.
 Stone, Amos, *et al. v. Commonwealth.* Trial by jury.
 Stone, Jasper W., *et al., administrators, v. Commonwealth.* Pending.
 Stone, Joseph, *et al. v. Commonwealth.* Trial by jury.
 Stone, Joseph, *et als. v. Commonwealth.* Pending.
 Tuttle, Clarence E., *et al. v. Commonwealth.* Settled.

3. METROPOLITAN WATER BOARD.

Petitions to the Superior Court for assessment of damages alleged to have been sustained by the taking of rights and easements in lands by said commission.

Middlesex County.

Ballou, Chloe Ann, *v.* Commonwealth. Pending.
Boston & Albany Railroad, petitioner. Pending.
Buck, William H., *v.* Commonwealth. Pending.
Dunn, Johanna T., *v.* Commonwealth. Pending.
Framingham Water Company *v.* Commonwealth. Pending.
Malden *v.* Commonwealth. Pending.
Malden, Medford and Melrose *v.* Commonwealth. Pending.
Medford *v.* Commonwealth. Pending.
Melrose *v.* Commonwealth. Pending.
Nashua River Paper Company *et al.* *v.* Commonwealth. Pending.

Suffolk County.

Boston & Albany Railroad Company *v.* Commonwealth. Pending.
Mason, Jacob M., *v.* Commonwealth. Pending.

Worcester County.

Allen, George S., *v.* Commonwealth. Referred to commissioners.
Pending.
Arkwell, Edward, *v.* Commonwealth. Referred to commissioners.
Pending.
Ayer, Eliza A., *v.* Commonwealth. Pending.
Bacon, Emory A., *v.* Commonwealth. Referred to commissioners.
Pending.
Bacon, Marina, *v.* Commonwealth. Referred to commissioners.
Pending.
Ballou, Chloe Ann, *v.* Commonwealth. Pending.
Ballou, Chloe A., *v.* Commonwealth. Pending.
Barry, Ellen A., *v.* Commonwealth. Referred to commissioners.
Pending.
Bathrick, Dorothy P., *v.* Commonwealth. Referred to commissioners.
Pending.
Bemis, Elevyn H., *v.* Commonwealth. Pending.
Berlin, Andrew, *v.* Commonwealth. Pending.
Bigelow Carpet Company *v.* Commonwealth. Pending.
Bigelow Carpet Company *v.* Commonwealth. Pending.
Bigelow Carpet Company *v.* Commonwealth. Pending.
Bigelow Carpet Company *v.* Commonwealth. Pending.

- Bigelow, Arthur J., *v. Commonwealth*. Dismissed.
- Bigelow, Joseph M., *v. Commonwealth*. Referred to commissioners. Pending.
- Bigelow, Joseph M., *v. Commonwealth*. Referred to commissioners. Pending.
- Bond, Ellen, *v. Commonwealth*. Dismissed.
- Bond, Louis, *v. Commonwealth*. Referred to commissioners. Pending.
- Bosworth, Effie M., *v. Commonwealth*. Referred to commissioners. Pending.
- Bourdon, Joseph, *v. Commonwealth*. Referred to commissioners. Pending.
- Boyd, Andrew, *v. Commonwealth*. Referred to commissioners. Pending.
- Boynton, Abigail, *v. Commonwealth*. Referred to commissioners. Pending.
- Boynton, Henry A., *v. Commonwealth*. Referred to commissioners. Pending.
- Blunt, Isabelle M., *v. Commonwealth*. Referred to commissioners. Pending.
- Brigham, Eunice F., *et al. v. Commonwealth*. Referred to commissioners. Pending.
- Bruce, William M., *v. Commonwealth*. Referred to commissioners. Pending.
- Buck, Delia J., *v. Commonwealth*. Pending.
- Buck, William H., *v. Commonwealth*. Referred to auditor. Pending.
- Buck, William H., *v. Commonwealth*. Pending.
- Burke, Nellie E., *v. Commonwealth*. Pending.
- Burnham, Ella L., *v. Commonwealth*. Dismissed.
- Cather, William J., *v. Commonwealth*. Referred to commissioners. Pending.
- Cavanaugh, Lawrence, *v. Commonwealth*. Referred to commissioners. Dismissed.
- Chandler, Charles H., *et al. v. Commonwealth*. Referred to commissioners. Pending.
- Chapman *et al. v. Commonwealth*. Referred to commissioners. Pending.
- Chapman, Sarah, *v. Commonwealth*. Referred to commissioners. Pending.
- Chapman, Walter E., *v. Commonwealth*. Referred to commissioners. Pending.
- Chapman, Walter E., *v. Commonwealth*. Referred to commissioners. Pending.

- Chase, Frances H., administratrix, *v.* Commonwealth. Referred to commissioners. Pending.
- Cleary, Lawrence G., *v.* Commonwealth. Referred to commissioners. Pending.
- Coolidge, William F., *v.* Commonwealth. Referred to commissioners. Pending.
- Cooper, Joseph, *v.* Commonwealth. Referred to commissioners. Pending.
- Cotting, Chas. U., *et als. v.* Commonwealth. Referred to commissioners. Pending.
- Cowee, Edward A., *v.* Metropolitan Water Board and Commonwealth. Pending.
- Cowee, Edward A., *v.* Metropolitan Water Board and Commonwealth. Pending.
- Cowee, Edward A., *v.* Metropolitan Water Board and Commonwealth. Pending.
- Cowee, Edward A., *v.* Metropolitan Water Board and Commonwealth. Pending.
- Cowee, Edward A., *v.* Metropolitan Water Board and Commonwealth. Pending.
- Cowee, Hattie L., *v.* Metropolitan Water Board and Commonwealth. Pending.
- Crooker, Ansel F., *v.* Commonwealth. Referred to commissioners. Pending.
- Cunningham, Robert, *et al. v.* Commonwealth. Pending.
- Cunliffe, John, *v.* Commonwealth. Referred to commissioners. Pending.
- Cutting, Mary F., *v.* Commonwealth. Referred to commissioners. Pending.
- Davis, John K., *v.* Commonwealth. Referred to commissioners. Pending.
- Dee, John, *v.* Commonwealth. Referred to commissioners. Pending.
- Dolan, Catherine, *v.* Commonwealth. Referred to commissioners. Pending.
- Dolan, Catherine, *v.* Commonwealth. Dismissed.
- Dorr, James, *v.* Commonwealth. Referred to commissioners. Pending.
- Dorr, James, *v.* Commonwealth. Referred to commissioners. Pending.
- Dorr, James, *v.* Commonwealth. Pending.
- Dusoe, Charles, *v.* Commonwealth. Referred to commissioners. Pending.

- Earle, William A., *v. Commonwealth*. Referred to commissioners.
Trial. Reserved for full court. Pending.
- Fahey, Timothy, *v. Commonwealth*. Pending.
- Fairbanks, Edwin C., *v. Commonwealth*. Referred to commissioners. Pending.
- Felt, Charles W., *v. Commonwealth*. Pending.
- Fiske, George A., *v. Commonwealth*. Pending.
- Flagg, Geo. A., *v. Commonwealth*. Referred to commissioners.
Pending.
- Flagg, Hannah E., *v. Commonwealth*. Referred to commissioners.
Pending.
- Fletcher, Elizabeth R., *v. Commonwealth*. Referred to commissioners. Pending.
- Flint, Eunice J., *v. Commonwealth*. Referred to commissioners.
Pending.
- Fowle, Waldo, *v. Commonwealth*. Referred to commissioners.
Pending.
- Frye, John A., *v. Commonwealth*. Referred to auditor. Pending.
- Garfield, Silas, *v. Commonwealth*. Referred to commissioners.
Pending.
- Gavin, Catherine, *v. Commonwealth*. Pending.
- George, Nathan D., *v. Commonwealth*. Referred to commissioners. Pending.
- Goodale, Aaron, *v. Commonwealth*. Referred to commissioners.
Pending.
- Goodale, Francis W. M., *v. Commonwealth*. Referred to commissioners. Pending.
- Goodale, Mary, *v. Commonwealth*. Referred to commissioners.
Pending.
- Goodney, Francis, *v. Commonwealth*. Dismissed.
- Harper, Edward A., *v. Commonwealth*. Referred to commissioners. Pending.
- Harper, Edward A., *v. Commonwealth*. Referred to commissioners. Pending.
- Harris, Charles M., *v. Commonwealth*. Referred to commissioners. Pending.
- Harris, Melissa, *v. Commonwealth*. Referred to commissioners.
Pending.
- Haskell, John C., *v. Commonwealth*. Referred to commissioners.
Pending.
- Haskell, Maria A., *v. Commonwealth*. Trial by jury.
- Hastings *et al.* *v. Commonwealth*. Referred to commissioners.
Pending.

- Hastings, Calvin H., *v.* Commonwealth. Referred to commissioners. Pending.
- Hastings, George R., *et al.* *v.* Commonwealth. Pending.
- Hastings, Henry L., *v.* Commonwealth. Referred to commissioners. Pending.
- Hastings, John C., *v.* Commonwealth. Referred to commissioners. Pending.
- Hastings, John C., *et al.* *v.* Commonwealth. Referred to commissioners. Pending.
- Hastings, Mary Lizzie, *v.* Commonwealth. Referred to commissioners. Pending.
- Hawes, Frederick A., *v.* Commonwealth. Referred to commissioners. Pending.
- Heighway, George A., *v.* Commonwealth. Dismissed.
- Holland, Robert. *v.* Commonwealth. Referred to commissioners. Pending.
- Holmes, George H., *v.* Commonwealth. Referred to commissioners. Pending.
- Holmes, George H., *v.* Commonwealth. Referred to commissioners. Pending.
- Houghton, Myron W., *v.* Commonwealth. Referred to commissioners. Pending.
- Howe, Israel G., *v.* Commonwealth. Referred to auditor. Pending.
- Hudson, George C. F., *v.* Commonwealth. Pending.
- Hudson, George C. F., *et al.* *v.* Commonwealth. Dismissed.
- Hyde, George L., *v.* Commonwealth. Referred to commissioners. Pending.
- Jefts, Asis S., *v.* Commonwealth. Referred to commissioners. Pending.
- Johnson, Addison, executor, *v.* Commonwealth. Referred to auditor. Pending.
- Johnson, Carl J., *v.* Commonwealth. Referred to commissioners. Pending.
- Johnson, Charles S., *v.* Commonwealth. Pending.
- Johnson, Edward S., *et al.* *v.* Commonwealth. Referred to commissioners. Pending.
- Johnson, Edwin S., *v.* Commonwealth. Referred to commissioners. Pending.
- Johnson, William O., *v.* Commonwealth. Pending.
- Johnson, William O., *v.* Metropolitan Water Board. Pending.
- Kendall, George, *v.* Commonwealth. Referred to commissioners. Pending.

- Kershaw, James H., *v.* Commonwealth. Referred to commissioners. Pending.
- Keyes, George H., *v.* Commonwealth. Referred to commissioners. Pending.
- Keyes, Jonathan M., *v.* Commonwealth. Dismissed.
- Kittredge, Julia, *et als.* *v.* Commonwealth. Trial by jury.
- Kittredge, Julia, *v.* Commonwealth. Trial by jury.
- Knight, Henry G., *v.* Commonwealth. Referred to commissioners. Pending.
- Lafrade, Peter, *v.* Commonwealth. Referred to commissioners. Pending.
- Lafayette, Louisa, *v.* Commonwealth. Referred to commissioners. Pending.
- Lambert, John, *v.* Commonwealth. Referred to commissioners. Dismissed.
- Lawrence, Emma, *v.* Commonwealth. Referred to commissioners. Pending.
- Lawrence, George D., *v.* Commonwealth. Referred to commissioners. Pending.
- Lawrence, Lucretia, *v.* Commonwealth. Referred to commissioners. Pending.
- Laythe, Sarah A., *v.* Commonwealth. Pending.
- Laythe, Sarah A., *v.* Commonwealth. Pending.
- Leonard, Bridget, *v.* Commonwealth. Referred to commissioners. Pending.
- Levi, Sarah, *v.* Commonwealth. Referred to commissioners. Pending.
- Liberty, Pascal, *v.* Commonwealth. Referred to commissioners. Dismissed.
- Longley, George H., *v.* Commonwealth. Pending.
- Lord, Joseph M., *v.* Commonwealth. Referred to commissioners. Pending.
- Lord, Joseph M., *v.* Commonwealth. Referred to commissioners. Pending.
- Lovell, Alfred, *v.* Commonwealth. Referred to commissioners. Pending.
- Lovell, Angeline E., *et al.* *v.* Commonwealth. Referred to commissioners. Pending.
- Lovell, David B., *v.* Commonwealth. Referred to commissioners. Pending.
- Lovell, Portland, *v.* Commonwealth. Referred to commissioners. Pending.
- Lowe, Horace H., *v.* Commonwealth. Pending.

- Lozeau, Delia, *v.* Commonwealth. Referred to commissioners.
Pending.
- Luce, Mehitabel, *v.* Commonwealth. Pending.
- Lucius, Jeremiah, *v.* Commonwealth. Pending.
- Lundren, Per Arvid, *v.* Commonwealth. Pending.
- Lurtsema, Gurt, *v.* Commonwealth. Referred to commissioners.
Pending.
- Lurtsema, Joaptje, *v.* Commonwealth. Referred to commissioners.
Pending.
- Lynch, John, *v.* Commonwealth. Referred to commissioners.
Pending.
- Lynch, Thomas, *v.* Commonwealth. Referred to commissioners.
Pending.
- Lynch, Thomas, *v.* Commonwealth. Referred to commissioners.
Pending.
- Mack, Cornelius, *et al. v.* Commonwealth. Pending.
- Mackesey, Thomas, *v.* Commonwealth. Pending.
- March, Harry E., *v.* Commonwealth. Referred to commissioners.
Pending.
- McAndrew, Hannah, *v.* Commonwealth. Pending.
- McNamara, Austin D., *v.* Commonwealth. Referred to commissioners.
Pending.
- McNamara, Ellen, *v.* Commonwealth. Referred to commissioners.
Pending.
- McNamara, Thomas, *et al. v.* Commonwealth. Referred to commissioners.
Pending.
- Merrill, Elizabeth A., *v.* Commonwealth. Referred to commissioners.
Pending.
- Moore, Nellie F., *v.* Commonwealth. Referred to commissioners.
Pending.
- Moran, James, *v.* Commonwealth. Referred to commissioners.
Pending.
- Moran, Patrick T., *v.* Commonwealth. Pending.
- Morse, Amanda, *v.* Commonwealth. Referred to commissioners.
Pending.
- Mulcahy, Catharine, administratrix, *v.* Commonwealth. Referred to commissioners.
Pending.
- Muzzy, Jonas, *v.* Commonwealth. Dismissed.
- Muzzy, Jonas, *v.* Commonwealth. Dismissed.
- Nashua River Paper Company *et al. v.* Commonwealth. Referred to commissioners.
Pending.
- Nault, David, *v.* Commonwealth. Referred to commissioners.
Pending.

- Newton, George B., *v.* Commonwealth. Referred to commissioners. Pending.
- Newton, Silas, *v.* Commonwealth. Referred to commissioners. Pending.
- Nichols, Charles E., *v.* Commonwealth. Pending.
- Nichols, Luke H., *et al. v.* Commonwealth. Referred to commissioners. Pending.
- O'Connor, Thomas H., *v.* Commonwealth. Dismissed.
- Olcott, John H., *v.* Commonwealth. Referred to commissioners. Pending.
- O'Malley, Michael, *v.* Commonwealth. Pending.
- Ovenden, William C., *v.* Commonwealth. Referred to commissioners. Pending.
- Padden, Margaret, *v.* Commonwealth. Dismissed.
- Phelps, Sarah A., *v.* Commonwealth. Referred to commissioners. Pending.
- Philbin, Tobias, *v.* Commonwealth. Referred to commissioners. Pending.
- Pierce, Caroline, *et al. v.* Commonwealth. Referred to commissioners. Pending.
- Pierce, Henry, *v.* Commonwealth. Referred to commissioners. Pending.
- Potter, Jeremiah, *v.* Commonwealth. Pending.
- Prescott, John B. F., *v.* Commonwealth. Referred to commissioners. Pending.
- Prescott, Martha E., *v.* Commonwealth. Referred to commissioners. Pending.
- Redding, George L., *et al. v.* Commonwealth. Pending.
- Reed *et al. v.* Commonwealth. Dismissed.
- Reed, Alice N., *v.* Commonwealth. Referred to commissioners. Pending.
- Reed, Charles H., *v.* Commonwealth. Referred to commissioners. Pending.
- Reed, Charles H., *v.* Commonwealth. Referred to commissioners. Pending.
- Reed, Elizabeth M., *et al., executors, v.* Commonwealth. Referred to commissioners. Pending.
- Reed, George D., *v.* Commonwealth. Referred to commissioners. Pending.
- Rice, Almira F., *v.* Commonwealth. Referred to commissioners. Pending.
- Rice, Mary C., *v.* Commonwealth. Referred to commissioners. Pending.

- Roach, James, *v. Commonwealth*. Dismissed.
- Russell, Ann Elizabeth, *v. Commonwealth*. Dismissed.
- Russell, Samuel S., *v. Commonwealth*. Dismissed.
- Ryan, Michael H., *v. Commonwealth*. Referred to commissioners.
Pending.
- Ryan, Michael S., *v. Commonwealth*. Referred to commissioners.
Pending.
- Sargent, Margaret E., *v. Commonwealth*. Pending.
- Sawin, Charles B., *v. Commonwealth*. Referred to an auditor.
Pending.
- Sawyer, Henry O., *et als. v. Metropolitan Water Board and the Commonwealth*. Dismissed. Taken to full court on exceptions. See 178 Mass. 267.
- Sawyer, Henry O., *et al. v. Commonwealth*. Referred to commissioners. Pending.
- Sawyer, Ivers H., *v. Commonwealth*. Pending.
- Sawyer, Louise M., *v. Commonwealth*. Dismissed.
- Scanlon, Mary, *et al. v. Commonwealth*. Referred to commissioners. Pending.
- Schmidt, Christian, *v. Commonwealth*. Dismissed.
- Sears, Joshua M., *v. Commonwealth*. Referred to auditor.
Pending.
- Sene, Eclid, *v. Commonwealth*. Referred to commissioners.
Pending.
- Sheldon, Augustus V., *v. Commonwealth*. Referred to commissioners. Pending.
- Shepard, John, *v. Commonwealth*. Referred to commissioners.
Pending.
- Short, Harriett, *v. Commonwealth*. Referred to commissioners.
Pending.
- Sirabian, Kayazan, *v. Commonwealth*. Referred to commissioners.
Pending.
- Smith, Alice M., *v. Commonwealth*. Referred to commissioners.
Pending.
- Smith, Artemas C., *v. Commonwealth*. Referred to commissioners. Pending.
- Smith, Charles E., *v. Commonwealth*. Dismissed.
- Snow, Antoine, *v. Commonwealth*. Referred to commissioners.
Pending.
- Snow Brothers *v. Commonwealth*. Referred to commissioners.
Pending.
- Staples, William H., *v. Commonwealth*. Referred to commissioners. Pending.

- Staples, William H., *et al. v. Commonwealth.* Referred to commissioners. Pending.
- Storms, William E., *v. Commonwealth.* Referred to commissioners. Pending.
- Stott, James R., *v. Commonwealth.* Pending.
- Tatro, George, *v. Commonwealth.* Referred to commissioners. Pending.
- Thomas, A. Mason, *v. Commonwealth.* Referred to commissioners. Pending.
- Tobin, Mary A., *v. Commonwealth.* Referred to commissioners. Pending.
- Tonry, Margaret F., *v. Commonwealth.* Trial by jury.
- Toombs, Joseph E., *v. Commonwealth.* Referred to commissioners. Pending.
- Toomey, John, *v. Commonwealth.* Referred to commissioners. Pending.
- Toomey, John, *v. Commonwealth.* Referred to commissioners. Pending.
- Valley, Abigail, *v. Commonwealth.* Dismissed.
- Waite, David P., *v. Commonwealth.* Dismissed.
- Waite, David P., *v. Commonwealth.* Dismissed.
- Warfield, Samuel R., *v. Commonwealth.* Dismissed.
- Warfield, Samuel R., *v. Commonwealth.* Pending.
- Warner, Mary J., *v. Commonwealth.* Referred to commissioners. Pending.
- Warner, Mary J., *v. Commonwealth.* Pending.
- West Boylston Manufacturing Company *v. Metropolitan Water Board.* Pending.
- Wheeler, Samuel M., *v. Commonwealth.* Dismissed.
- Whitaker, C. Wayland, *v. Commonwealth.* Referred to commissioners. Pending.
- White, Lucy, *v. Commonwealth.* Referred to commissioners. Pending.
- Whiting, Alfred N., *v. Commonwealth.* Referred to commissioners. Pending.
- Whittemore, John M., *v. Commonwealth.* Dismissed.
- Wilder, Francis A., *et al. v. Commonwealth.* Referred to commissioners. Pending.
- Wilder, Francis A., *v. Commonwealth.* Referred to commissioners. Pending.
- Wilder, Harriet, *v. Commonwealth.* Pending.
- Wilson, James, *v. Commonwealth.* Referred to commissioners. Pending.

Wood, Ashley H., *v. Commonwealth*. Referred to commissioners.
Pending.

Wood, Willie B., *v. Commonwealth*. Referred to commissioners.
Pending.

Woods, James H., *v. Commonwealth*. Dismissed.

York, Eda F., *v. Commonwealth*. Referred to commissioners.
Pending.

York, Eda F., *v. Commonwealth*. Referred to commissioners.
Pending.

4. MASSACHUSETTS HIGHWAY COMMISSION.

Petitions to the Superior Court for assessment of damages alleged to have been sustained by the taking of land by said commission.

Barnstable County.

Crowell, Thomas H., *v. Commonwealth*. Pending.

Essex County.

Dane, Sarah E., *et al. v. Commonwealth*. Pending.

Wyman, Isaac C., *v. Commonwealth*. Trial by jury.

Franklin County.

Massamet Yarn Mills *v. Commonwealth*. Pending.

Middlesex County.

Hudson Co-operative Bank *v. Commonwealth*. Pending.

Rice, John E., *et al. v. Commonwealth*. Pending.

Plymouth County.

Taylor, Horace B., *v. Commonwealth*. Settled.

Suffolk County.

Haveland, J. B., *v. Commonwealth*. Pending.

Worcester County.

Gould, Charlotte E., *v. Commonwealth*. Pending.

5. BOARD OF HARBOR AND LAND COMMISSIONERS.

Petitions to the Superior Court for assessment of damages caused by the taking of land by said commissioners.

Suffolk County.

Bent, William H., *et al. v. Commonwealth*. Pending.

East Boston Company *v. Commonwealth*. Pending.

Jeffries, Anna L., *v. Commonwealth*. Pending.

Lamb, George, *et al. v. Commonwealth.* Pending.
Lamb, George, *et al. v. Commonwealth.* Pending.
Roxbury Central Wharf *v. Commonwealth.* Pending.

6. MISCELLANEOUS CASES FROM ABOVE COMMISSIONS.

Middlesex County.

Cambridge, Cemetery Commissioners of. Petition for leave to convey to Park Commission a parcel of land dedicated for cemetery purposes. Attorney-General waived right to be heard.
Crandall, H. Burr, *v. Charles Price* (superintendent). Action of tort for conversion. Pending.

Suffolk County.

Bailey, James A., *et als.* Petition for appointment of commissioners to apportion cost of maintenance of north metropolitan sewerage system. Commissioners appointed. Report of commissioners accepted.
Barnes, Frank P., *v. Henry H. Sprague et al.* Petition for writ of mandamus against the Metropolitan Water Board. Petition denied.
Bent, William H., *et al. v. Henry W. Swift et al.* Pending.
Carahar, James A., *et al. v. William B. de las Casas et al.* Petition for an injunction to prevent Metropolitan Park Commissioners from tearing down plaintiff's hotel at Nahant. Petition dismissed.
Connolly, Mary E., *v. Charles G. Craib.* Action of tort to recover damages for personal injuries alleged to have been sustained by an employee of the contractor in the construction of the metropolitan sewer, the defendant being the inspector employed by the Metropolitan Sewerage Commissioners. Pending.
Flagg, John N., *v. Edward S. Bradford, Treasurer.* Action of contract growing out of the taking by the Metropolitan Water Board of the plaintiff's land. Petition dismissed. Reserved for the full court.
Hanscom, Hervey A., *et al., Cambridge v.* Action of tort growing out of accident caused by laying water pipes by Metropolitan Water Board in Cambridge. Pending.
Hanscom, Hervey A., *et al., Commonwealth v.* Action of contract growing out of accident caused by laying water pipes by Metropolitan Water Board in Cambridge. Pending.
Jones, George H., *et al. v. Metropolitan Park Commissioners.* Petition for a writ of certiorari on account of assessment of betterments on land in Revere. Pending before Supreme Judicial Court.

Metropolitan Park Commissioners, petitioners. Petition for the appointment of a commission to apportion the cost of maintenance of the parks system among the various cities and towns within the metropolitan parks district. Charles Francis Adams, John C. Hammond and Thomas M. Stetson appointed commissioners. Pending before Supreme Judicial Court on report of commissioners.

Newton, Francis D., *et al. v. Henry H. Sprague et als.* Petition in the nature of an action of tort to recover damages caused by the alleged filling up of a well belonging to plaintiffs. Pending.

Rohan, Mary, *v. Commonwealth.* Petition in the nature of an action of tort for personal injuries alleged to have been sustained in the construction of a section of the metropolitan sewer. Pending.

Sheehan, John, *v. Commonwealth.* Breach of contract growing out of construction of sewer in East Boston. Pending.

Southborough, Commonwealth *v.* Action of contract. Pending.

7. CASES ARISING UNDER ST. 1899, C. 457, "AN ACT TO LIMIT THE HEIGHT OF BUILDINGS IN THE VICINITY OF THE STATE HOUSE."

Abbott, Edwin H., *v. Commonwealth.* Pending.

Abbott, Edwin H., trustee, *v. Commonwealth.* Dismissed.

Beebe, E. Pierson, *et al. v. Commonwealth.* Pending.

Binney, Amos, *et al. v. Commonwealth.* Pending.

Binney, Arthur, *v. Commonwealth.* Pending.

Binney, Henry P., *v. Commonwealth.* Pending.

Brinton, Ferree, *et al. v. Commonwealth.* Pending. See 178 Mass. 199.

Cabot, Susan B., *v. Commonwealth.* Pending.

Croft, Arthur, *et al. v. Commonwealth.* Pending.

Earl, Maria B., *et al. v. Commonwealth.* Pending.

Endicott, William, *v. Commonwealth.* Pending.

Forbes, J. Malcom, *et al. v. Commonwealth.* Pending.

Frye, Emily J., *v. Commonwealth.* Pending.

Goddard, George A., *v. Commonwealth.* Pending.

Gray, Francis C., *et al. v. Commonwealth.* Pending.

Heard, J. Theodore, *et al. v. Commonwealth.* Pending.

Hollingsworth, Polly R., *v. Commonwealth.* Pending.

Lewis, Elizabeth, *v. Commonwealth.* Pending.

Lodge, Henry Cabot, administrator, *v. Commonwealth.* Pending.

Loring, Anna P., *et al. v. Commonwealth.* Pending.

Paine, Robert Treat, *v. Commonwealth.* Pending.

Paine, Robert Treat, *et als. v. Commonwealth.* Pending.

Park, Theodore W., *v. Commonwealth.* Pending.

Parker, Charles H., *et al. v. Commonwealth.* Pending before the Supreme Judicial Court See 178 Mass. 199. Pending.

Parkman, George F., *v. Commonwealth.* Pending. See 178 Mass. 199.

Perry, Emily G., *v. Commonwealth.* Pending.

Prince, Gordon, *et al. v. Commonwealth.* Pending.

Read, Elise H., *v. Commonwealth.* Pending.

Read, John, *et al., trustees and executors, v. Commonwealth.* Pending.

Ritchie, Rosa G., *v. Commonwealth.* Pending.

Robinson, Edith V., *v. Commonwealth.* Pending.

Ruggles, Henry S., *v. Commonwealth.* Pending.

Warren, Fiske, *v. Commonwealth.* Pending.

Way, Charles G., *v. Commonwealth.* Pending.

8. STATE BOARD OF CHARITY.

(a) Actions of contract pending in the Superior Court to recover charges for the support of insane paupers in State insane hospitals, under the provisions of Pub. Sts., c. 87, § 32.

Middlesex County.

Cooper, Esau, Shaw *v.* Pending.

Suffolk County.

Boston, Phillips *v.* Pending.

Cambridge, Phillips *v.* Pending.

Knight, Abbie H., Bradford *v.* Pending.

Osgood, Frederick H., Bradford *v.* Pending.

Peabody, Marden *v.* Pending.

Reading, Phillips *v.* Pending.

Shillaber, D. H., Bradford *v.* Pending.

Stow, Phillips *v.* Pending.

Waltham, Bradford *v.* Pending.

Waltham, Marden *v.* Pending.

Wolfe, Arthur M., Bradford *v.* Pending.

Worcester, Phillips *v.* Pending.

(b) Bastardy complaints brought under Pub. Sts., c. 85.

Middlesex County.

Egnor, Belle, *v. Arthur Wyman.* Pending.

Harkins, Celia, *v. Walter Harrington.* Pending.

Sumner, Emma, *v. Edward Hamlin.* Pending.

Suffolk County.

Johnson, Julia R., *v. Henry Williams.* Pending.

MISCELLANEOUS CASES.

- Ahern, Maurice, *v.* Newton & Boston Street Railway Company. Bill in equity in the Circuit Court of the United States to restrain the defendant from complying with the provisions of St. 1900, c. 197, relative to the transportation of scholars in the public schools by street railway companies. Pending.
- Amesbury & Salisbury Gas Light Company. Penalty for existence of sulphuretted hydrogen in its gas. Pending.
- Ayer Light, Heat and Power Company. Failure to file with the Gas Light Commissioners the return required by St. 1886, c. 346, § 2, as extended by St. 1887, c. 382, § 2. Pending.
- Bay State Beneficiary Association, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and appointment of a receiver. Injunction issued, and Henry C. Hyde, Esq., and Henry C. Bliss, Esq., both of West Springfield, were appointed temporary receivers. Pending.
- Bay State Mutual Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Herbert Parker, Esq., appointed receiver. Pending.
- Berkshire Health and Accident Association, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and Alpheus Sanford, Esq., of Boston, appointed receiver. Pending.
- Boston *v.* Commonwealth. Petition for transfer of Herbert A. Hector and Harry O. Hector, indigent children. Decree.
- Boston *v.* Same. Sewer assessment on Rutherford Avenue, Charlestown. Pending.
- Boston *v.* Same. Petition for the transfer of Hyman Gold, an indigent child, having no settlement, to State Board of Charity. Decree.
- Boston, Commonwealth *v.* Petition for assessment of damages to State Prison buildings, caused by the alteration of grade crossings in Charlestown. Pending.

- Bragg, Henry W., *et al. v. Commonwealth*. Petition to Superior Court for Suffolk County for allowance of claim of auditors for examination into affairs of Massachusetts Benefit Life Association. Pending.
- Bridges, Benjamin F. (Warden, Massachusetts State Prison), *v. Edward D. Bean*. Claim for goods furnished to the defendant. Pending.
- Brookfield Savings Bank, Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and George W. Johnson appointed receiver. Pending.
- Brotherhood of Birsen Association, Attorney-General *ex rel. v.* Petition for an injunction and a receiver. Injunction issued, and David A. Ellis appointed receiver. Pending.
- Brush Chemical Company. Failure to file return required by St. 1891, c. 341. Pending.
- Burdett, Edward W., petitioner. Petition for a writ of habeas corpus. Writ issued and petitioner discharged.
- Cambridge, Bradford *v.* Claim for tide water displacement. Pending.
- Chaffee, Clara. Claim against the city of Newton for board at Worcester Insane Hospital. Pending.
- Chicopee, Water Commissioners of. Claim of violation of civil service rules. Referred to District Attorney, Charles L. Gardner. Pending.
- Clinton Gas Light Company, Attorney-General *v.* Petition to the Supreme Judicial Court for Suffolk County for dissolution and the appointment of a receiver under St. 1894, c. 476. Pending.
- Commonwealth Mutual Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and a receiver under the provisions of St. 1894, c. 522, § 7. Injunction issued, and William B. Stevens, Esq., appointed receiver. Pending.
- Damon, George L. Claim for tide water displacement. Pending.
- Danvers *v.* Trustees of Danvers Insane Hospital. Petition for the appointment of three commissioners under St. 1898, c. 564, to determine the sum to be paid by the Commonwealth for water provided to the Danvers Insane Hospital by the town of Danvers. George A. Blaney, Edwin Dresser and William Wheeler appointed commissioners. Pending.
- Durkee, Elmer, *v. Commonwealth*. Action of contract growing out of the purchase of goods by the plaintiff from the Danvers Lunatic Hospital. Pending.

- Eagle Life Association, Attorney-General *ex rel. v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and Alfred F. Lilley, Esq., appointed receiver. Pending.
- Eagle Mutual Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and R. D. Weston-Smith, Esq., of Boston, appointed receiver. Pending.
- Ellis, George H., Attorney-General *ex rel.* Harbor and Land Commissioners *v.* Information in the Supreme Judicial Court for Middlesex County to protect the waters of a great pond under St. 1888, c. 318. Referred to a master. Pending.
- Equitable Accident Insurance Association, Attorney-General *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Wade Keyes, Esq., of Boston, appointed receiver. Pending.
- Fall River, Mayor of, and Old Colony Railroad Company, Attorney-General *ex rel. v.* Petition for a writ of mandamus to compel the respondents to file in the registry of deeds certain plans and documents required by St. 1900, c. 472. Application withdrawn by agreement of parties.
- Fidelity Benefit Association, Attorney-General *ex rel. v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and A. E. Denison appointed receiver. Pending.
- Firemen's Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction to restrain the defendant from removing its books and papers from the Commonwealth, and the appointment of a receiver to recover its capital stock distributed without authority of law. Injunction issued. Defendant recovered its capital stock and deposited it with the International Trust Company, as trustee. Pending.
- Framingham Savings Bank, Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1894, c. 317, § 6, for an injunction and the appointment of a receiver. Injunction issued, and P. H. Cooney and A. V. Harrington appointed receivers. Pending.
- Franklin Mutual Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Pending.

Fraternal Aid, Order of, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Winthrop H. Wade, Esq., of Boston, appointed receiver. Pending.

Globe Investment Company, Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1888, c. 387, for an injunction and the appointment of a receiver. Injunction granted, and Henry A. Wyman appointed receiver. Pending.

Gloucester Water Supply Company, Commonwealth *v.* Corporation tax for 1895. Pending.

Greylock Beneficiary Association, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1895, c. 340, for an injunction and the appointment of a receiver. Injunction issued, and A. A. Folsom, of Chelsea, appointed receiver. Pending.

Guardian Life Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Frank D. Allen, Esq., appointed receiver. Pending.

Hampshire Savings Bank, Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Richard W. Irwin, Esq., and Benjamin E. Cook, Esq., appointed receivers. Pending.

Harmon, William P., *v.* Cattle Commissioners. Petition to the Superior Court for Essex County for damages. Judgment for defendant by agreement.

Haverhill Gas Light Company *v.* Gas and Electric Light Commissioners *et al.* Bill in equity in the Circuit Court of the United States to restrain the Board from carrying out an order to decrease the price of gas in Haverhill. Pending.

Hebrew Workmen's Benevolent Society, Attorney-General *v.* Petition for injunction for failure to file return required by St. 1899, c. 442. Return filed.

Holliston, Selectmen of, Attorney-General *ex rel. v.* Petition for a writ of mandamus to compel the placing of a democrat on the board of registrars of voters. Petition denied.

Home Indemnity Corporation. Violation of St. 1901, c. 422, § 8. Referred to the district attorney for Suffolk County.

Hough, Alexander B., Commonwealth *v.* Claim for board of Julia F. Hough at Worcester Insane Hospital. Pending.

- Humbert First Artillery Mutual Benefit Association, Insurance Commissioner *v.* Failure to make annual report to Insurance Commissioner required by St. 1899, c. 442, § 19. Pending.
- Independent Order Ahawas Israel, Attorney-General *v.* Petition for injunction for failure to file return required by St. 1899, c. 442. Return filed.
- Italian Associates of Fall River, Insurance Commissioner *v.* Failure to make annual report to Insurance Commissioner required by St. 1899, c. 442, § 19. Pending.
- Jablochkoff Electric Lighting Company of New England, Commissioner of Corporations *v.* Petition to the Supreme Judicial Court for Suffolk County for dissolution under Pub. Sts., c. 106, § 65. Pending.
- Kaiser Hat and Cap Company. Claim for corporation tax for 1897. Company in insolvency. Claim proved. Pending.
- Kennedy, George C., Francis C. Welch, trustee. Claim for tide water displacement. Pending.
- Knight, Alice H., Westborough Insane Asylum *v.* Claim for board of insane patient in hospital. Referred to N. N. Jones of Newburyport for collection. Pending.
- Knights of Justice, Order of, Insurance Commissioner *v.* Failure to make annual report to Insurance Commissioner required by St. 1899, c. 442, § 19. Pending.
- Livingstone, Murray V. Claim for board of Margie A. Livingstone in Westborough Insane Hospital. Pending.
- Logan, John P., *v.* Charles Rice and the Commonwealth. Action of contract. Superior Court for Franklin County. Pending.
- MacDonald, John A., *v.* Commonwealth. Petition to the Supreme Judicial Court for Suffolk County for a writ of error to reverse a judgment rendered for the Commonwealth on an indictment charging the plaintiff with forging and uttering certain checks. Judgment affirmed. Reported in 173 Mass. 322. Case taken to United States Supreme Court by writ of error. Judgment confirmed. See 180 U. S. 311.
- Masons Fraternal Accident Association of America, Attorney-General *v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and Henry C. Bliss, Esq., appointed receiver. Pending.
- Massachusetts Benefit Life Association, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Arthur Lord, Esq., and Alfred S. Woodworth, Esq., both of Boston, appointed receivers. Pending.

- Massachusetts Masonic Life Association, Attorney-General *ex rel.***
Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and a receiver under St. 1896, c. 515, § 6. Injunction issued, and Jonathan Varnes, Esq., of Springfield, appointed receiver. Pending.
- Massachusetts National Life Association, Attorney-General *ex rel.*,**
Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1896, c. 515, § 6, for an injunction and the appointment of a receiver. Injunction issued, and George Kress appointed receiver. Pending.
- McDowell, J. F.,** claim against, for merchandise furnished by State Prison. Pending.
- McQuestin, Fred, Commonwealth *v.*** Action in Superior Court for Suffolk County for damages caused by tide water displacement in Boston harbor. Judgment for defendant. Reserved for full court. Pending.
- Medway Electric Light and Power Company.** Failure to file with Gas Light Commissioners the return required by St. 1886, c. 346, § 2, as extended by St. 1887, c. 387, § 2. Pending.
- Melrose Mutual Fire Insurance Company, Insurance Commissioner *v.*** Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Alpheus Sanford, Esq., appointed receiver. Pending.
- Metcalf, Albert, Bradford *v.*** Claim for tide water displacement. Pending.
- Middleborough *v.* New York, New Haven & Hartford Railroad Company and the Commonwealth.** Petition for damages in the Superior Court for Plymouth County, growing out of taking of land for the purpose of abolishing grade crossings in Middleborough. Pending.
- Milford Electric Light and Power Company, Attorney-General *v.*** Petition to the Supreme Judicial Court for Suffolk County for dissolution and the appointment of a receiver, under St. 1894, c. 476. Pending.
- Miners Savings Bank, Savings Bank Commissioners *v.*** Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver under the provisions of St. 1894, c. 317, § 6. Injunction issued. Pending.
- Minnesota Savings Fund Investment Company *v.* Treasurer of the Commonwealth.** Bill in equity in Superior Court for Suffolk County, asking for distribution of certain funds in the hands of the State Treasurer. Marshal P. Thompson appointed master. Pending.

- Morgan, Jay H., Lyman School for Boys *v.* Action of contract for services of boy placed out by trustees. Pending.
- Munkley, James A., *v.* Board of Registration in Pharmacy. Petition for a writ of *certiorari*. Hearing before a single justice and reserved for full court. Petition dismissed. See 60 N. E. Rep. 413.
- Murphy, Clarence, *v.* Commonwealth. Petition to the Supreme Judicial Court for a writ of error. Argued before full bench. Decision ordering sentence to be reversed and petitioner to be resentenced under the law as it was prior to the passage of St. 1895, c. 504. Reported in 172 Mass. 264. Prisoner sentenced accordingly. Exceptions taken. Argued before full bench. Exceptions overruled. Reported in 174 Mass. 369. Case taken to United States Supreme Court by writ of error. Writ denied. Reported in 177 U. S. 155.
- Netherlands Fire Insurance Company, Attorney-General *ex rel.* *v.* Violation of St. 1894, c. 522, § 20. Pending.
- New England Mutual Accident Association, petitioners. Petition for appointment of receiver. Thomas Weston, Esq., of Boston, appointed receiver. Pending.
- Newburyport & Amesbury Horse Railroad Company. Railroad Commissioners' tax, 1899. Pending.
- New York, New Haven & Hartford Railroad, Bradford *v.* Claim for tide water displacement. Pending.
- Norfolk county commissioners, Attorney-General *v.* Petition for a writ of *certiorari*. Pending.
- Northeastern Indemnity Association, Attorney-General *ex rel.* *v.* Petition for an injunction and the appointment of a receiver. Injunction issued, and F. C. Nash, Esq., appointed receiver. Pending.
- Northern Mutual Relief Association, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction granted, and Samuel H. Hudson, of Boston, appointed receiver. Pending.
- Nutting, Charles H., *v.* Commonwealth. Writ of error in Supreme Court of the United States. Argued. Pending.
- O'Reily, Richard P., *v.* Samuel Dalton *et als.* Petition to the Supreme Judicial Court for Suffolk County for a writ of *certiorari*, claiming want of jurisdiction by the board appointed under St. 1893, c. 367, § 65, in the matter of the reorganization of the Eighth Regiment of Infantry, M. V. M. Pending.

- Page, Herbert S., *et al.*, petitioners. Petition to the Probate Court for Suffolk County for the appointment of a guardian for Alvin Page, an insane person chargeable to the State. Pending.
- Parker, George. Claim for tide water displacement. Pending.
- Peare, George R., *v.* Socialist Labor Party. Petition to the Municipal Court for Suffolk County for an inquest, under St. 1898, c. 548, § 305. Pending.
- Pentila, Andrew, *v.* Bekkila Helgias and Joseph H. Scott (superintendent of the Massachusetts Reformatory). An action of tort in the District Court for Middlesex County. Pending.
- Phoenix Rattan Company *et al.*, Joseph F. Scott (superintendent) *v.* Action of contract in the Superior Court for Suffolk County. Company petitioned into insolvency after entry of writ. Edgar N. Hill, Esq., of Boston and Joseph F. Scott, Esq., of Concord, appointed assignees. Claim proved. Pending.
- Pittsfield Electric Street Railway Company. Petition by the Commonwealth for alteration of tracks of said railroad in Dalton. Pending.
- Provident Savings Life Assurance Society of New York *v.* Frederick L. Cutting, Insurance Commissioner. Petition for a writ of mandamus. Hearing on demurrer. Reserved for full court. Pending.
- Rice, Fannie. Claim for board in Westborough Insane Hospital. Pending.
- St. Francis Benefit Association, Attorney-General *v.* Petition for injunction for failure to file return required by St. 1899, c. 442. No action taken.
- St. Jean Baptiste Society of North Adams, Attorney-General *v.* Petition for injunction for failure to file return required by St. 1899, c. 442. Return filed.
- Sargent, Clara J., *v.* State Board of Lunacy and Charity. Superior Court, Essex County. Appeal on a complaint charging neglect of children under St. 1882, c. 181. Pending.
- Security Savings Bank, Board of Savings Bank Commissioners *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction granted. Pending.
- Simonds, Joel H., *v.* Massachusetts School for Feeble-minded *et als.* Petition for an injunction and assessment of damages caused by flowage of land. Pending.
- Smith, Maurice, *v.* Commonwealth. Petition for a writ of error to the Superior Court to revise sentence. Pending.

- Smith, Henry O., *et als. v.* Inhabitants of Leicester and the Commonwealth. Bill in equity in the Superior Court for Worcester County to restrain town officers from raising money to pay expenses for damages caused by construction of State highway in Leicester. Settled.
- Sibley, Richard C. Claim for tide water displacement. Pending.
- South Shore Masonic Mutual Relief Association of Massachusetts, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County, under St. 1895, c. 340, for an injunction and the appointment of a receiver. Injunction issued and J. H. Flint appointed receiver. Pending.
- Stone, Joseph, Bradford *v.* Claim for tide water displacement. Pending.
- Storti, Luigi, *v.* Commonwealth. Petition to the Supreme Judicial Court for a writ of error to Superior Court and a writ of *habeas corpus* to the Commonwealth. Reserved for the full court and petition dismissed.
- Storti, Luigi, *v.* Commonwealth. Petition to the Supreme Judicial Court for a writ of *habeas corpus*. Petition denied.
- Storti, Luigi, *v.* Commonwealth. Petition to the Circuit Court of the United States for a writ of *habeas corpus*. Hearing and petition denied. Appeal taken to the Supreme Court of the United States. Decree of Circuit Court affirmed.
- Storti, Luigi, petitioner. Petition to the Supreme Judicial Court for a writ of *habeas corpus*. Hearing and petition denied. Reserved to full court. Petition dismissed.
- Storti, Luigi, petitioner, for writ of *habeas corpus*. Petition to the United States Circuit Court. Petition dismissed. Appeal taken to the Supreme Court of the United States. Decree of Circuit Court affirmed.
- Suffolk Mutual Accident Association, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver, under the provisions of St. 1896, c. 515, § 6. Injunction issued, and George S. Merrill appointed receiver. Pending.
- Suffolk Masonic Mutual Relief Association, Attorney-General *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver, under St. 1899, c. 442, § 24. Injunction granted, and Edward T. Pigeon, Esq., secretary of the association, appointed receiver. Pending.
- Suffolk Mutual Fire Insurance Company, Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver, under the provisions of St. 1894, c. 522, § 7. Injunction issued, and James C. Davis, Esq., appointed receiver. Pending.

Sun Indemnity Assurance Society, Attorney-General v. Petition for an injunction and the appointment of a receiver. Injunction issued, and Prescott Keyes, Esq., appointed receiver. Pending.

Supreme Council of United Fellowship, Insurance Commissioner v. Petition to the Supreme Judicial Court for Suffolk County, under St. 1895, c. 340, for an injunction and the appointment of a receiver. Injunction issued, and Oliver Storer, Esq., of Boston, appointed receiver. Pending.

Taylor, Edgar B., et al. v. Robert Wilson and the Commonwealth of Massachusetts. Action of contract. Pending.

Thuringer Fire Insurance Company v. Commonwealth et al. Bill in equity in the Supreme Judicial Court to require the Treasurer of the Commonwealth to transfer to the company certain deposits. Decree.

Titcomb, George H., v. Cape Cod Ship Canal Company, George A. Marden, Treasurer, et al. Petition for injunction to restrain the Treasurer of the Commonwealth from the payment of money under St. 1883, c. 259, and St. 1891, c. 397. Pending.

Trehy, John W., Attorney-General ex rel. Board of Civil Service Commissioners v. Information in the nature of *quo warranto* to try the respondent's title to the office of almoner of the city of Chicopee. Reserved for the Supreme Judicial Court.

United Industrials. Petition for failure to file return required by St. 1884, c. 330. Pending.

Ware, Worcester Lunatic Hospital v. Action of contract for the board of Hiram L. Wood, a patient in said hospital. Referred to the district attorney. Pending.

Wattles, Joseph W., Jr., et als., Attorney-General v. Petition for an injunction to restrain the selectmen of Canton from laying out and widening Washington Street in Canton. (This petition was abandoned.)

Wells, Frank H. Claim for tide water displacement. Pending.

White, Etta W., petitioner. Petition to the Supreme Judicial Court for Suffolk County for release from the Westborough Insane Asylum. Remanded to asylum. Reported to Supreme Judicial Court.

Wildey Casualty Company, Attorney-General ex rel. Insurance Commissioner v. Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction granted, and Archie N. Frost, Esq., of Lawrence, appointed receiver. Pending.

- Williams, Henry Bigelow, *et al. v.* Attorney-General. Petition to the Supreme Court of the United States for a writ of error to the Supreme Judicial Court of Massachusetts. Pending.
- Woburn, Board of Public Works of, Commonwealth *v.* Violation of civil service rules. Referred to the district attorney. Pending.
- Wolf, Herman, *v.* Boston, Suffolk County. Damage to horse, caused by cave-in of street during the laying of pipes by the Metropolitan Water Board. Settled.
- Wollaston Land Association. Claim for tide water displacement. Pending.
- World Accident Insurance Company, Attorney-General *ex rel.* Insurance Commissioner *v.* Petition to the Supreme Judicial Court for Suffolk County for an injunction and the appointment of a receiver. Injunction issued, and Thomas N. Perkins, of Boston, appointed receiver. Pending.

COLLECTIONS.

Collections have been made by this department as follows : —

Corporation taxes for the year 1900, overdue and referred by the Treasurer of the Commonwealth to the Attorney- General for collection,		\$164,177 92
Interest on same at penal rate of six per cent.,		1,419 22
Costs,		882 93
Miscellaneous,		7,823 34
Total,		\$174,303 41

The following table shows a detailed statement of the same : —

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
A. A. Mills Company,	\$705 96	\$3 53	\$709 49
A. B. & E. L. Shaw Company,	771 49	11 57	783 06
A. F. Towle & Son Company,	1,250 85	20 43	1,271 28
A. M. McPhail Piano Company,	1,065 24	—	1,065 24
A. L. Lewis Company,	112 98	—	112 98
A. T. Fairbanks Confectionery Company,	30 02	—	30 02
Abram French Company,	6,456 00	216 41	6,672 41
Agawam Ice Company,	64 56	1 10	65 66
American Citizen Company,	80 70	80	81 50
American Collection Agency,	16 14	10	16 24
American Cultivator Publishing Company,	161 40	4 18	165 58
Amesbury & Hampton Street Railway Company,	807 00	4 03	811 03
Amesbury & Salisbury Gas Com- pany,	416 41	6 25	422 66
Atlantic Telegraph Company of Massachusetts,	80 70	—	80 70
Austin & Winslow-Gallagher Ex- press Company,	60 52	1 01	61 53
Austin Furniture Company,	291 97	5 82	297 79
B. L. Bragg Company,	403 50	7 77	411 27
Barbour-Stockwell Company,	161 40	2 49	163 89
Bay State Chair Company, Incor- porated,	140 41	2 53	142 94
Bay State Construction Company,	25 82	13	25 95

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
Bay State Cordage Company, . .	\$224 34	\$1 12	\$225 46
Bay State Gas Company, . .	23,304 54	100 98	23,405 52
Bay State Improved Box Com- pany,	117 82	1 41	119 23
Bay State Metal Works, . .	225 96	7 40	233 36
Beach & Clarridge Company, . .	637 53	17 00	654 53
Belisle Printing and Publishing Company,	48 42	24	48 66
Biddle & Smart Company, . .	106 52	1 59	108 11
Blake Manufacturing Company, .	80 70	1 30	82 00
Block Plant Electric Light Com- pany,	23 00	-	23 00
Blue Hill Granite Company, . .	222 48	1 11	223 59
Bolles & Wilde Company, . .	508 41	8 47	516 88
Bon Marché Dry Goods Company,	1,049 10	7 34	1,056 44
Boston Advertising Company, .	19 36	33	19 69
Boston Asphalt Company, . .	371 22	1 86	373 08
Boston Book Company, . .	1,210 50	11 71	1,222 21
Boston Cycle Company, . .	193 68	3 22	196 90
Boston Dental Manufacturing Company,	161 40	1 55	162 95
Boston Fire Brick and Clay Retort Manufacturing Company, . .	547 14	5 02	552 16
Boston Furnace Company, . .	121 05	1 77	122 82
Boston Gas Light Company, . .	2,353 21	10 20	2,363 41
Boston Ice Cream Company, . .	161 40	1 42	162 82
Boston Paper Mills Company, . .	48 42	-	48 42
Boston Paving Company, . .	155 75	2 60	158 35
Boston Steel and Iron Company, .	344 58	5 17	349 75
Boston Stitching and Plating Com- pany,	48 42	73	49 15
Boston Traveller Company, . .	995 43	21 57	1,017 00
Brackett's Market Corporation, .	100 87	1 60	102 47
Brockway-Smith Corporation, . .	774 72	11 23	785 95
Brookfield Brick Company, . .	151 71	78	152 49
Brooks Bank Note Company, . .	779 23	3 12	782 35
Brown & Simonds Company, . .	290 52	4 55	295 07
Bryant Boot and Shoe Company,	148 48	62	149 10
Bullard Camera Company, . .	613 32	9 50	622 82
C. F. Eddy Company, . .	388 97	-	388 97
C. F. Sampson Manufacturing Company,	222 73	-	222 73
C. W. Tappan Shoe Company, . .	379 29	6 32	385 61
Campello Leather Company, . .	145 26	-	145 26
Carlow & Putnam Company, . .	80 70	-	80 70
Charles A. White Company, . .	24 21	42	24 63
Charles E. Lauriat Company, . .	928 05	6 50	934 55
Charles T. Brown Company, . .	790 86	11 99	802 85
Chelsea Express Despatch Com- pany,	80 70	1 61	82 31
Chequasset Lumber Company, . .	1,614 00	26 19	1,640 19
Chicopee Falls Wheel Company,	44 38	88	45 26

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
Child & Acme Cutter and Press Company,	\$145 26	\$2 18	\$147 44
Childs & Kent Express Company,	71 01	1 35	72 36
Clicquot Club Bottling and Ex- tract Company,	145 26	1 25	146 51
Coates Clipper Manufacturing Company,	218 69	3 29	221 98
Cobb-Eastman Company,	798 93	13 45	812 38
Coburn Stationery Company,	35 50	58	36 08
Colcord Richardson Company,	43 57	22	43 79
Columbia Electric Company,	137 19	2 20	139 39
Columbia Electric Engineering Company,	16 14	07	16 21
Columbia Engineering Company,	116 20	2 21	118 41
Conway Electric Street Railway Company,	395 67	6 19	401 86
Cottager Company,	193 68	2 90	196 58
Couch & Seeley Company,	145 26	2 26	147 52
Craig & Craig Company,	242 10	4 05	246 15
Cunningham Lumber Company,	121 05	2 32	123 37
Curtis & Pope Lumber Company,	3,197 33	31 97	3,229 30
D. M. Hazen Company,	113 78	57	114 35
Dalton Ingersoll Company,	2,106 27	9 47	2,115 74
Damon Brick Company,	146 14	5 59	151 73
Danvers Gas Light Company,	121 05	80	121 85
David Myers Company,	80 70	1 25	81 95
Davis & Buxton Stamping Com- pany,	30 66	—	30 66
DeSilva Morine Company,	24 21	27	24 48
Donahoe's Magazine Company,	141 22	1 41	142 63
Dudley Feed Mills Company,	322 80	—	322 80
Dudley Mills,	105 71	80	106 51
Dunne Lyceum Bureau,	16 14	21	16 35
Durgin Grocery and Provision Company,	16 14	33	16 47
E. D. Shaddock Company,	116 20	1 74	117 94
E. H. Saxton Company,	161 40	2 68	164 08
E. P. Sanderson Company,	847 35	9 73	857 08
E. W. Noyes Company,	100 87	2 27	103 14
East Douglas Co-operative Asso- ciation,	20 17	03	20 20
Eastern Bridge and Structural Company,	973 24	4 86	978 10
Eastern Cold Storage Company,	169 47	85	170 32
Eastern Printing and Engraving Company,	104 91	1 92	106 83
Easton Street Railway Company,	322 80	2 48	325 28
Empire Shoe Company,	181 57	91	182 48
Essex Paper Company,	147 93	2 36	150 29
Everett Co-operative Association,	80 70	81	81 51
Fairhaven Iron Foundry Com- pany,	46 00	—	46 00

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
Farrington Printing Company, . .	\$56 49	\$0 34	\$56 83
Ferd F. French & Co., Limited, . .	1,210 50	13 72	1,224 22
Fifield Tool Company,	335 06	6 37	341 43
Fosslitch Leather Company, . . .	225 96	2 03	227 99
Frank H. Hall Company,	45 19	72	45 91
Franklin Educational Company, . .	50 00	1 55	51 55
Frederick Kendall Company, . . .	16 14	26	16 40
French Carriage Company,	649 63	3 25	652 88
Gardner Gas Fuel and Light Com- pany,	202 36	3 04	205 40
Garratt-Ford Company,	193 68	3 98	197 66
George H. Corbett Company, . . .	96 84	-	96 84
George H. Wood Company,	145 26	2 18	147 44
George P. Staples & Co., Incor- porated,	726 30	13 80	740 10
Georgetown, Rowley & Ipswich Street Railway Company,	2,020 72	11 11	2,031 83
Gilman Snow Guard Company, . .	40 35	60	40 95
Gowdy & Remington Shoe Com- pany,	242 10	-	242 10
Graham Shoe Company,	242 10	3 75	245 85
Graton & Knight Manufacturing Company,	11,785 42	-	11,785 42
Greenfield Recorder Company, . .	80 70	1 21	81 91
Gregory & Brown Company, . . .	338 94	2 65	341 59
Grueby Faience Company,	161 40	2 58	163 98
H. B. Smith Company,	3,114 21	-	3,114 21
H. B. Stevens Company,	251 78	5 95	257 73
H. F. Ross Company,	448 85	3 55	447 40
Hanover Printing Company, . . .	32 28	72	33 00
Haverhill, Georgetown & Dan- vers Street Railway Company, . .	1,089 45	5 40	1,094 85
Heliotype Printing Company, . . .	246 94	1 56	248 50
Hendee Manufacturing Company, .	77 47	30	77 77
Henry Woods Sons Company, . . .	306 66	-	306 66
Henry C. King Company,	322 80	2 72	325 52
Henry N. Clark Company,	726 30	5 45	731 75
Highland Foundry Company, . . .	256 62	1 28	257 90
Home Guaranty Mutual Insur- ance Company,	484 20	7 25	491 45
Horton Manufacturing Company, .	16 14	26	16 40
Hub Hosiery Mills,	80 70	41	81 11
International Jupiter Steel Com- pany,	242 10	3 75	245 85
Interstate Law Company,	24 21	-	24 21
Iowa Light, Heat and Power Company,	96 84	3 97	100 81
J. A. Cummings Printing Com- pany,	90 38	1 48	91 86
J. A. Glass Company,	181 57	3 14	184 71
J. E. Peckham Manufacturing Company,	80 70	1 31	82 01

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
J. H. Keenan Company,	\$90 38	\$0 45	\$90 83
J. H. Rogers Carriage Company,	403 50	2 02	405 52
J. H. Williams Wall Paper Com- pany,	80 70	—	80 70
J. J. Warren Company,	765 03	3 57	768 60
J. P. & W. H. Emond, incorpo- rated,	266 31	6 39	272 70
James H. Lamb Company,	1,037 80	19 00	1,056 80
John C. DeLaney Moulding Com- pany,	171 08	—	171 08
John Cavenaugh & Son Building Moving Company,	302 62	4 53	307 15
Johnson Manufacturing Com- pany,	1,600 00	20 69	1,620 69
Joss Brothers Company,	121 05	48	121 53
Journal Newspaper Company,	807 00	3 63	810 63
Junction Water Company,	28 24	50	28 74
Kearns & Co, incorporated,	24 21	48	24 69
Kelly Shoe Company,	112 98	2 32	115 30
Kennedy & Sullivan Manufactur- ing Company,	702 57	7 02	709 59
Kimball & Carey Company,	510 02	5 61	515 63
Kimball Brothers Company,	1,371 90	27 68	1,399 58
Kinsley Iron and Machine Com- pany,	1,426 77	14 27	1,441 04
Lang & Jacobs Company,	100 87	1 91	102 78
Lawrence Supply Company,	64 56	—	64 56
Leicester Grocery Company,	96 84	1 21	98 05
Lewis F. Perry & Whitney Com- pany,	847 35	3 70	851 05
Lewis J. Bird Company,	80 70	65	81 35
Lexington Print Works,	108 94	—	108 94
Lynn Ice Company,	800 54	15 88	816 42
Lynn News Publishing Company,	16 14	31	16 45
Lyons Granite Company,	83 92	42	84 34
Mansfield Co-operative Furnace Company,	8 87	1 06	9 93
Martha's Vineyard Electric Light and Power Company,	8 07	16	8 23
Massachusetts Construction Com- pany,	1,289 42	20 61	1,310 03
Massachusetts Investment Com- pany,	161 40	3 82	165 22
Massachusetts Telephone and Telegraph Company,	161 40	1 07	162 47
Mather Launch and Canoe Com- pany,	74 24	37	74 61
Meadow Brook Farm Company,	40 35	65	41 00
Medford Manufacturing Com- pany,	64 56	32	64 88
Medway Electric Light and Power Company,	80 70	72	81 42

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
Mellish & Byfield, incorporated, .	\$524 55	\$9 51	\$534 06
Merrill Piano Company, . . .	201 75	3 73	205 48
Merrill Electric Company, . . .	89 57	1 35	90 92
Metropolitan Bolt Company, . .	48 42	85	49 27
Milford, Attleborough and Woon- socket Street Railway Com- pany,	1,678 56	-	1,678 56
Milford Rubber Company, . . .	80 70	-	80 70
Miller Brothers & Co., Corpora- tion,	645 60	10 00	655 60
Mills & Knight Company, . . .	484 20	5 80	490 00
Minards Liniment Manufacturing Company,	480 97	2 41	483 38
Miscoe Spring Water Company, .	161 40	1 24	162 64
Morrison Steamboat Company, .	302 62	-	302 62
Mystic Wharf and Storage Com- pany,	1,171 76	17 18	1,188 94
Natick Gas Light Company, . . .	190 45	92	191 37
National Supply Company, . . .	161 40	81	162 21
New England Bolt and Nut Com- pany,	403 50	2 42	405 92
New England Motor Company, . .	80 70	1 38	82 08
New England Publishing Com- pany,	403 50	2 02	405 52
New England Reed Company, . . .	66 17	1 00	67 17
Newburyport Herald Company, . .	69 40	76	70 16
Newton Machine Company, . . .	20 17	26	20 43
Nipmuck Paper Box Company, . .	50 03	78	50 81
Norfolk Western Street Railway Company,	363 15	-	363 15
Norris Livery Company,	80 70	40	81 10
North Carolina Mica Company, . .	242 10	-	242 10
Nute Hallett Company,	36 31	54	36 85
Oak Hall Clothing Company, . . .	1,251 65	6 25	1,257 90
Oliver & Howland Company, . . .	303 43	-	303 43
Olympic Amusement Company, . .	48 42	1 64	50 06
Packard & Evans Company, . . .	121 05	1 82	122 87
Peoples Combination Clothing Company,	242 10	3 63	245 73
Peoples Furniture Company, . . .	64 56	1 03	65 59
Peoples Ice Company of Worces- ter,	130 73	1 96	132 69
Perkins Wood Working Company, . .	76 66	1 25	77 91
Persons Manufacturing Company, .	80 70	80	81 50
Pilgrim Iron Foundry Company, . .	66 17	1 19	67 36
Pittsfield Journal Company, . . .	64 56	26	64 82
Planet Manufacturing Company, . .	129 12	2 07	131 19
Plymouth Rubber Company, . . .	43 57	-	43 57
Plymouth Stove Foundry Com- pany,	103 29	1 07	104 36
Prentice Brothers Company, . . .	1,193 55	13 12	1,206 67
Press Clipping Bureau,	80 70	1 04	81 74

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
Putnam Company,	\$322 80	\$5 17	\$327 97
R. A. Flanders Company, . . .	597 18	—	597 18
R. Guastavino Company, . . .	145 26	1 88	147 14
R. H. Long Shoe Manufacturing Company,	403 50	7 88	411 38
Randall Faichney Company, . .	153 33	2 42	155 75
Rawson & Morrison Manufactur- ing Company,	1,005 52	4 35	1,009 87
Re-New Lamp Company,	161 40	2 74	164 14
Reycroft Pharmacy Company, . .	395 43	4 57	400 00
Riverdale Woolen Company, . .	40 51	63	41 14
Robbins Spring Water Company,	304 31	—	304 31
Rocky Neck Marine Railway Company,	192 06	80	192 86
Rolf Provision and Grocery Com- pany,	80 70	1 37	82 07
S. Armstrong Company,	185 61	1 55	187 16
S. M. Howes Company,	774 72	3 87	778 59
Samuel Ward Company,	919 98	3 98	923 96
Scandinavian Importing Com- pany,	484 20	3 63	487 83
Seymour Knapp - Warren Com- pany,	20 17	34	20 51
Shady Hill Nursery Company, . .	726 30	10 89	737 19
Shedd & Crane Leather Company,	807 00	4 04	811 04
Silas Pierce & Company, limited,	2,017 50	12 10	2,029 60
Simons Hatch & Whitten Com- pany,	3,228 00	13 45	3,241 45
Slayter Jennings Company, . . .	274 38	1 60	275 98
Small, Maynard & Co., incorpo- rated,	322 80	4 84	327 64
Smith & Lovett Company,	322 80	1 94	324 74
South Boston Gas Light Company,	700 47	3 03	703 50
Southbridge Optical Company, . .	193 68	97	194 65
Springfield Construction Com- pany,	142 03	2 67	144 70
Springfield Elevator and Pump Company,	160 75	2 79	163 54
Springfield Supply Company, . .	16 14	—	16 14
Spy Company,	161 40	2 42	163 82
Standard Bottling and Extract Company,	322 80	3 62	326 42
Stockbridge Marble Company, . .	62 94	31	63 25
Stoughton Gas and Electric Com- pany,	234 03	3 51	237 54
Suffolk Engraving Company, . . .	72 63	50	73 13
Swett & Lewis Company,	80 70	—	80 70
T. A. Morris Machine Company, . .	355 08	—	355 08
T. A. Peterson Company,	32 28	20	32 48
T. F. Little Oil Company,	73 84	1 20	75 04
Tarbett Phemister Company, . .	88 77	88	89 65
Taunton Evening News,	32 28	1 47	33 75

	Collected on Account of Corporation Tax for 1900.	Interest.	Total.
Thayer Woolen Company, . .	\$978 08	\$4 02	\$982 10
Thomas F. Phillips Company, .	153 33	3 67	157 00
Thorp & Martin Company, . .	435 78	2 61	438 39
Tileston Brothers Shoe Company,	242 10	2 42	244 52
Title Research and Credit Com- pany,	19 36	—	19 36
Townsend Co-operative Broom Company,	22 59	—	22 59
Victor R. F. Walker Company, .	16 14	2 25	18 39
W. E. Rice Company,	225 96	4 52	230 48
W. S. Quimby Company, . . .	1,149 97	17 19	1,167 16
Wachusett Mills,	137 19	2 46	139 65
Wade & Reed Company, . . .	48 20	—	48 20
Walton & Logan Company, . .	403 50	1 95	405 45
Warren, Brookfield & Spencer Street Railway Company, . .	1,020 04	5 10	1,025 14
Wason Manufacturing Company,	1,394 49	6 97	1,401 46
Weber Leather Company, . . .	645 60	2 79	648 39
Western Union Telegraph Com- pany,	15,943 38	63 77	16,007 15
Westfield Manufacturing Com- pany,	83 84	1 26	85 10
Weymouth & Braintree Publish- ing Company,	32 28	52	32 80
Weymouth Seam Face Granite Company,	101 68	2 03	103 71
Whitall Manufacturing Company,	758 58	4 42	763 00
Whitney Jewelry Company, . .	40 35	60	40 95
William H. Burns Company, . .	2,111 11	28 50	2,139 61
William S. Hills Company, . .	807 00	4 71	811 71
Woburn Light, Heat and Power Company,	496 46	8 43	504 89
Woodward & Brown Piano Com- pany,	60 52	1 93	62 45
Worcester Gazette Company, . .	48 42	25	48 67
Worcester Last Company, . . .	80 70	1 26	81 96
Worcester Optical Company, . .	83 92	1 26	85 18
Xylite Lubricating Company, . .	96 84	1 52	98 36
Ziegler Electric Company, . .	484 20	15 17	499 37
	\$164,177 92	\$1,419 22	\$165,597 14

MISCELLANEOUS COLLECTIONS.

Adams Electric Light and Power Company, Gas and Electric Light Commissioners' tax,	\$11 65
American Cultivator Publishing Company, fee for filing cer- tificates of condition,	10 00
American Marble Company, fee for filing certificate of condi- tion,	5 00

Amesbury Opera House Company, fee for filing certificate of condition,	\$10 00
Amherst Gas Company, fee for filing certificate of condition,	5 00
Arlington Co-operative Association, fee for filing certificate of condition,	10 00
Ayer Light and Power Company, fee for filing certificate of condition,	5 00
Bay State Improved Box Company, fee for filing certificate of condition,	5 00
Bay State Metal Works, fee for filing certificate of condition,	5 00
Beacon Manufacturing Company, fee for filing certificate of condition,	5 00
Belisle Printing and Publishing Company, fee for filing certificate of condition,	5 00
Blake Manufacturing Company, fee for filing certificate of condition,	5 00
Block Plant Electric Light Company, fee for filing certificate of condition,	5 00
Block Plant Electric Light Company, Gas and Electric Light Commissioners' tax for 1900,	25 54
Blue Hill Granite Company, fee for filing certificate of condition,	5 00
Boston Advertising Company, fee for filing certificate of condition,	5 00
Boston Oregon Mast Company, fee for filing certificate of condition,	5 00
Boston Paving Company, fee for filing certificate of condition,	5 00
Boston Spar Company, fee for filing certificates of condition,	10 00
Boston Thread and Twine Company, fee for filing certificate of condition,	5 00
Boston Trading and Export Company, fee for filing certificate of condition,	5 00
Boston Traveller Company, fee for filing certificate of condition,	5 00
Brookfield Brick Company, fee for filing certificate of condition,	5 00
C. A. Edgarton Manufacturing Company, fee for filing certificate of condition,	5 00
Carlow & Putnam Company, fee for filing certificate of condition,	5 00
Carter, Rice & Co. Corporation, fee for filing certificate of condition,	5 00
Charman, Ellen, estate of, collateral inheritance tax,	978 00
Chelsea, assessment for tide water displaced,	59 21
Columbia Electric Company, fee for filing certificate of condition,	5 00
Connecticut Steam Stone Company, fee for filing certificate of condition,	5 00

Conway Electric Street Railway Company, Railroad Commissioners' tax for 1900,	\$4 40
Crescent Worsted Company, fee for filing certificate of condition,	5 00
Cross, Anna B, estate of, collateral inheritance tax, . . .	124 91
Daily News Company, fee for filing certificate of condition,	5 00
Damon Safe and Iron Works Company, fee for filing certificate of condition,	5 00
Dean, Charles W., & Co., Massachusetts Reformatory claim, .	25 00
Donoghue, Ann, board at Danvers Insane Asylum, . . .	130 88
Dudley Mills, fee for filing certificate of condition, . . .	5 00
East Douglas Co-operative Association, fee for filing certificates of condition,	10 00
Eastern Electric Company, fee for filing certificate of condition,	5 00
Eastern Printing and Engraving Company, fee for filing certificate of condition,	5 00
Eckley, Julia A., estate of, collateral inheritance tax, . . .	122 92
Edison Electric Illuminating Company, assessment for tide water displaced,	722 25
Fisher Churchill Company, fee for filing certificate of condition,	5 00
Fisk Rubber Company, fee for filing certificate of condition, .	5 00
Fiske Wharf and Warehouse Company, fee for filing certificate of condition,	5 00
Fosslitch Leather Company, fee for filing certificate of condition,	5 00
Fitchburg Machine Works, fee for filing certificate of condition,	5 00
Frank H. Hall Company, fee for filing certificate of condition, .	5 00
Franklin Educational Company, fee for filing certificate of condition,	5 00
Fraser Dry Goods Company, fee for filing certificate of condition,	5 00
Fowler Automatic Draft Regulator and Ventilator Company, fee for filing certificate of condition,	5 00
Gardner Gas Fuel and Light Company, Gas and Electric Light Commissioners' tax for 1900,	12 46
Gardner Music Hall Company, fee for filing certificate of condition,	5 00
George D. Emerson Company, fee for filing certificate of condition,	5 00
Gilman Snow Guard Company, fee for filing certificate of condition,	5 00
Greenfield Machine Company, fee for filing certificate of condition,	5 00
George P. Staples & Co., incorporated, fee for filing certificate of condition,	5 00

Glasgow Manufacturing Company, fee for filing certificate of condition,	\$5 00
Grafton Electric Company, penalty for failure to file annual report with Gas Commissioners on time,	10 00
H. M. Kinports Company, corporation taxes, 1897 and 1898, .	258 76
Hero Cough Syrup Company, fee for filing certificate of condition,	5 00
Heroux the Clothier, incorporated, fee for filing certificate of condition,	5 00
Hill, Whitney & Wood Company, fee for filing certificate of condition,	5 00
Hobbs Manufacturing Company, interest on corporation tax, 1900,	1 32
Holbrook, Susan J., estate of, collateral inheritance tax, .	117 50
Holyoke Fire Insurance Company, return premium <i>in re</i> J. F. Sullivan,	14 84
Interstate Law Company, fee for filing certificate of condition, .	5 00
Iowa Light, Heat and Power Company, Gas and Electric Light Commissioners' tax for 1900,	2 38
Iowa Light, Heat and Power Company, fee for filing certificate of condition,	5 00
J. P. Jordan Paper Company, fee for filing certificates of condition,	10 00
John F. Nickerson Company, fee for filing certificate of condition,	5 00
Kearns & Co., incorporated, fee for filing certificate of condition,	5 00
Kelly Shoe Company, fee for filing certificate of condition, .	5 00
Lamprey Boiler Furnace Mouth Protector Company, fee for filing certificate of condition,	5 00
Lyons Granite Company, fee for filing certificate of condition, .	5 00
Lyford, Mary V., estate of, collateral inheritance tax, . . .	85 62
Lyons & Alexander Company, fee for filing certificate of condition,	5 00
Mansfield Co-operative Furnace Company, fee for filing certificates of condition,	10 00
Massachusetts Investment Company, fee for filing certificates of condition,	10 00
Massachusetts Masonic Life Association, care and custody of deposits,	13
Massachusetts Telephone and Telegraph Company, fee for filing certificate of condition,	5 00
Massachusetts Title Insurance Company, fee for filing certificate of condition,	5 00
McDonald, John A., petitioner for writ of error, costs of appeal,	20 00
Meany, Thomas, use of Commonwealth's land in South Boston, .	10 00
Medfield Electric Light and Power Company, fee for filing certificate of condition,	5 00

Merchants and Farmers Mutual Fire Insurance Company, return premium <i>in re</i> J. F. Sullivan,	\$18 00
Merick, Helen M., estate of, collateral inheritance tax, . . .	81 42
Merrimack Clothing Company, fee for filing certificate of condition,	5 00
Middleby Oven Company, fee for filing certificate of condition,	5 00
Montague Co-operative Creamery Association, fee for filing certificate of condition,	5 00
Moore Coombs Company, corporation tax for 1899, . . .	110 46
Morning Mail Corporation, fee for filing certificate of condition,	5 00
Natick Citizen Printing Company, fee for filing certificate of condition,	5 00
Natick Gas Light Company, fee for filing certificate of condition,	5 00
New England Pharmacal Company, fee for filing certificate of condition,	5 00
New England Rubber Company, fee for filing certificates of condition,	10 00
New England & Savannah Steamship Company, fee for filing certificate of condition,	5 00
New England Dredging Company, fee for filing certificate of condition,	5 00
Norfolk Blanket Cleansing Company, fee for filing certificate of condition,	5 00
Nute Hallett Company, fee for filing certificate of condition,	5 00
Old Colony Boot and Shoe Company, fee for filing certificates of condition for 1901,	10 00
P. P. Emory Manufacturing Company, fee for filing certificate of condition,	5 00
Pittsfield Coal Gas Company, penalty for failure to file annual report with Gas Commissioners on time,	30 00
Perry Laundry Company, fee for filing certificate of condition,	5 00
Pittsfield Manufacturing Company, fee for filing certificate of condition,	5 00
Plymouth Stove Foundry Company, fee for filing certificate of condition,	5 00
Randall Faichney Company, fee for filing certificate of condition,	5 00
Reliance Manufacturing Company, fee for filing certificate of condition,	5 00
Rice Kendall Company, fee for filing certificate of condition,	5 00
Robbins Spring Water Company, fee for filing certificate of condition,	5 00
Robinson Iron Company, fee for filing certificate of condition,	5 00
Rochdale Hall Company, fee for filing certificate of condition,	5 00
Rudd, Alice A., estate of, collateral inheritance tax, . . .	111 50
Sandy Bay Pier Company, fee for filing certificate of condition,	5 00

Sargent, William M., Gas and Electric Light Commissioners' tax for 1900,	\$1 77
Shady Hill Nursery Company, fee for filing certificates of condition,	10 00
Simonds Rolling Machine Company, fee for filing certificate of condition,	5 00
Slater Woolen Company, fee for filing certificate of condition,	5 00
Small, Maynard & Co., incorporated, fee for filing certificate of condition,	5 00
Stoughton Gas and Electric Company, penalty for failure to file annual report with Gas Commissioners on time,	5 00
South Hadley Falls Electric Light Company, penalty for failure to file annual report with Gas Commissioners on time,	5 00
Smith, John M., estate of, collateral inheritance tax,	100 00
Springfield Construction Company, fee for filing certificates of condition,	10 00
Springfield Drop Forging Company, fee for filing certificate of condition,	5 00
Springfield Elevator and Pump Company, fee for filing certificate of condition,	5 00
Stone, E. C., for board of Roger Stone at Westborough Insane Hospital,	87 85
Steam and Power Company of Boston, penalty for failure to file report with Gas Commissioners on time,	10 00
Sutton Cranberry Company, fee for filing certificate of condition,	5 00
Taunton Evening News, fee for filing certificate of condition,	5 00
Thomas, Jane G., estate of, collateral inheritance tax,	117 50
Union Desk Company, fee for filing certificate of condition,	5 00
Union Furniture Company, fee for filing certificate of condition,	5 00
University City Laundering Company, fee for filing certificate of condition,	5 00
Uxbridge Cotton Mills, fee for filing certificate of condition,	5 00
W. E. Rice Company, fee for filing certificate of condition,	5 00
Wade & Reed Company, fee for filing certificate of condition,	5 00
Watertown Machine Company, fee for filing certificates of condition,	10 00
Weber Leather Company, fee for filing certificate of condition,	5 00
Wheelman Company, fee for filing certificate of condition,	5 00
Whitney, Henry M., for tide water displaced in Charles River,	3,314 95
White, Holman & Co., assessment for tide water displaced,	307 60
Woburn Light, Heat and Power Company, Gas and Electric Light Commissioners' tax for 1900,	74 42
Woodbury, Anna M., estate of, collateral inheritance tax,	400 00
Worcester Fire Appliance Company, fee for filing certificate of condition,	5 00

EXTRADITION AND INTERSTATE RENDITION.

The following applications for requisitions for fugitives from justice have been referred by His Excellency the Governor to this department during the year ending Jan. 15, 1902, for examination and report thereon :—

Date of Reference.	State or Country upon whose Executive Requisition was made.	Name of Fugitive.	Crime Charged.	Venue of Prosecution.	Report.
1901.					
Jan. 23,	New York,	George W. Harlow,	Larceny,	Suffolk,	Lawful and in proper form.
Jan. 23,	New Hampshire,	Frank Gold and John Brown,	Breaking and entering,	Essex,	Lawful and in proper form.
Jan. 24,	New York,	Conrad Klenhaus,	Abduction,	—	—
Jan. 26,	New Hampshire,	Allen L. Patten,	Larceny,	Essex,	Lawful and in proper form.
Feb. 3,	New York,	Edward Shevlin,	Larceny,	Suffolk,	Lawful and in proper form.
Feb. 25,	New York,	Alonzo J. Whitman,	Forgery,	Suffolk,	Lawful and in proper form.
April 2,	New York,	William Kern,	Larceny,	Essex,	Lawful and in proper form.
April 9,	District of Columbia,	Robert R. Robinson,	Embezzlement,	Suffolk,	Lawful and in proper form.
April 22,	New York,	Michael McCarthy,	Seduction,	Suffolk,	Lawful and in proper form.
May 8,	New York,	George E. Abbott,	Larceny,	Suffolk,	Lawful and in proper form.
May 11,	New York,	Magness A. McSwain,	Larceny,	Suffolk,	Lawful and in proper form.
May 21,	Wisconsin,	Annie Evans,	Larceny,	Suffolk,	Lawful and in proper form.
May 28,	New York,	Thomas Willett,	Concealing personal property,	Suffolk,	Lawful and in proper form.

June 10,	Illinois,	.	.	.	.	Ruth Moore,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
June 11,	New York,	.	.	.	.	Elizabeth Berget,	.	.	.	.	Common nuisance,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
June 13,	New Hampshire,	.	.	.	.	W. F. Gamash,	.	.	.	.	Removing leased property,	.	.	.	.	Essex,	.	Not in lawful form.
June 24,	New York,	.	.	.	.	Frank H. Frye,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 5,	Illinois,	.	.	.	.	F. Lauderbeck,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 11,	New York,	.	.	.	.	Nelson Backman,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 11,	New Hampshire,	.	.	.	.	Joseph A. Donovan,	.	.	.	.	Non-support of wife,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 12,	New York,	.	.	.	.	Ulysses G. Dufield,	.	.	.	.	Assault and battery,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 12,	New York,	.	.	.	.	Beattie Levine,	.	.	.	.	Keeping house of ill fame,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 12,	Colorado,	.	.	.	.	Joseph Phillips,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
July 18,	Missouri,	.	.	.	.	Joseph Parker,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
Aug. 5,	Colorado,	.	.	.	.	Edward Harvey,	.	.	.	.	Robbery,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
Aug. 6,	Pennsylvania,	.	.	.	.	Gustave Wolf,	.	.	.	.	Larceny,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
Aug. 6,	New Jersey,	.	.	.	.	Michael J. Scanlon,	.	.	.	.	Selling intoxicating liquors,	.	.	.	.	Middlesex,	.	Lawful and in proper form.
Aug. 19,	New Hampshire,	.	.	.	.	Robert A. Packard,	.	.	.	.	Breaking and entering and larceny,	.	.	.	.	-	.	Lawful and in proper form.
-	New York,	.	.	.	.	Thomas Whitman,	.	.	.	.	Larceny,	.	.	.	.	Worcester,	.	Lawful and in proper form.
Sept. 5,	Pennsylvania,	.	.	.	.	David P. Peckham,	.	.	.	.	Polygamy,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
Sept. 24,	New Hampshire,	.	.	.	.	Charles Wilson,	.	.	.	.	Breaking and entering,	.	.	.	.	Worcester,	.	Lawful and in proper form.
Sept. 27,	New York,	.	.	.	.	William Sullivan,	.	.	.	.	Escaped convict,	.	.	.	.	Essex,	.	Lawful and in proper form.
Oct. 21,	New York,	.	.	.	.	Chipman D. Young,	.	.	.	.	Forgery,	.	.	.	.	Suffolk,	.	Lawful and in proper form.
Nov. 1,	Maine,	.	.	.	.	J. Wyman Bartlett,	.	.	.	.	Adultery,	.	.	.	.	Plymouth,	.	Lawful and in proper form.

EXTRADITION AND INTERSTATE RENDITION — *Concluded.*

Date of Ref- erence.	State or Country upon whose Executive Requisition was made.	Name of Fugitive.	Crime Charged.	Venue of Prosecution.	Report.
1901.					
Nov. 2,	Michigan,	Annie Evans,	Larceny,	Suffolk,	Lawful and in proper form.
Nov. 7,	New York,	Charles H. Young,	Forgery,	Middlesex,	Lawful and in proper form.
Nov. 7,	New York,	William Dunston,	Assault,	Suffolk,	Lawful and in proper form.
Nov. 19,	Illinois,	William R. Hauze,	Larceny,	Suffolk,	Lawful and in proper form.
Nov 30,	New York,	John Fells,	Embezzlement,	Middlesex,	Lawful and in proper form.
Dec. 5,	California,	Edward Harvey,	Robbery,	Suffolk,	Lawful and in proper form.
Dec. 10,	New York,	Marion King,	Larceny,	Norfolk,	Lawful and in proper form.
Dec. 12,	Pennsylvania,	Sebastiana Barbaro,	Larceny,	Worcester,	Lawful and in proper form.
Dec. 16,	Illinois,	Thomas Francis,	Larceny,	Suffolk,	Lawful and in proper form.
Dec. 24,	New York,	Rufus Tower,	Larceny,	Norfolk,	Lawful and in proper form.
Dec. 30,	New York,	William Ashton,	Forgery,	Suffolk,	Lawful and in proper form.
Dec. 30,	New York,	Horace C. Van Denberg,	Perjury,	Essex,	Lawful and in proper form.

The following requisitions upon His Excellency the Governor for the surrender of fugitives from the justice of other States have been referred by him to this department during the year ending Jan. 15, 1902, for examination and report thereon:—

Date of Reference.	State making the Requisition.	Name of Fugitive.	Crime Charged.	Report.
1901.				
Feb. 5,	New York,	Luther H. Bailey,	Grand larceny,	Lawful and in proper form.
March 24,	Illinois,	N. Fisher, <i>alias</i> Frederick Foster,	Obtaining goods by false pretences,	Lawful and in proper form.
May 11,	Ohio,	James Wade,	Complaint,	Lawful and in proper form.
May 6,	Illinois,	Anthony Koch,	Bigamy,	Lawful and in proper form.
July 9,	New York,	Dong Sue,	Murder,	Lawful and in proper form.
July 6,	Kentucky,	Louis R. Procke,	Grand larceny,	Lawful and in proper form.
July 11,	New Hampshire,	Thomas A. Packard,	Burglary,	Lawful and in proper form.
Aug. 20,	Ohio,	A. G. Marshall,	Obtaining property by false pretences,	Lawful and in proper form.
Aug. 20,	New York,	John McLaughlin,	Escaped convict,	Lawful and in proper form.
Sept. 28,	Connecticut,	Henry L. Harrison,	Burglary,	Lawful and in proper form.
Dec. 23,	Pennsylvania,	Jeannette Brooks,	Larceny,	Lawful and in proper form.

RULES OF PRACTICE IN INTERSTATE RENDITION.

Every application to the Governor for a requisition upon the executive authority of any other State or Territory, for the delivery up and return of any offender who has fled from the justice of this Commonwealth, must be made by the district or prosecuting attorney for the county or district in which the offence was committed, and must be in duplicate original papers, or certified copies thereof.

The following must appear by the certificate of the district or prosecuting attorney : —

(a) The full name of the person for whom extradition is asked, together with the name of the agent proposed, to be properly spelled.

(b) That, in his opinion, the ends of public justice require that the alleged criminal be brought to this Commonwealth for trial, at the public expense.

(c) That he believes he has sufficient evidence to secure the conviction of the fugitive.

(d) That the person named as agent is a proper person, and that he has no private interest in the arrest of the fugitive.

(e) If there has been any former application for a requisition for the same person, growing out of the same transaction, it must be so stated, with an explanation of the reasons for a second request, together with the date of such application, as near as may be.

(f) If the fugitive is known to be under either civil or criminal arrest in the State or Territory to which he is alleged to have fled, the fact of such arrest and the nature of the proceedings on which it is based must be stated.

(g) That the application is not made for the purpose of enforcing the collection of a debt, or for any private purpose whatever ; and that, if the requisition applied for be granted, the criminal proceedings shall not be used for any of said objects.

(h) The nature of the crime charged, with a reference, when practicable, to the particular statute defining and punishing the same.

(i) If the offence charged is not of recent occurrence, a satisfactory reason must be given for the delay in making the application.

1. In all cases of fraud, false pretences, embezzlement or forgery, when made a crime by the common law, or any penal code or statute, the affidavit of the principal complaining witness or informant, that the application is made in good faith, for the sole purpose of punishing the accused, and that he does not desire or expect to use the prosecution for the purpose of collecting a debt, or for any private purpose, and will not directly or indirectly use the same for any of said purposes, shall be required, or a sufficient reason given for the absence of such affidavit.

2. Proof by affidavit of facts and circumstances satisfying the Executive that the alleged criminal has fled from the justice of the State, and is in the State on whose Executive the demand is requested to be made, must be given. The fact that the alleged criminal was in the State where the alleged crime was committed at the time of the commission thereof, and is found in the State upon which the requisition was made, shall be sufficient evidence, in the absence of other proof, that he is a fugitive from justice.

3. If an indictment has been found, certified copies, in duplicate, must accompany the application.

4. If an indictment has not been found by a grand jury, the facts and circumstances showing the commission of the crime charged, and that the accused perpetrated the same, must be shown by affidavits taken before a magistrate. (A notary public is not a magistrate within the meaning of the statutes.) It must also be shown that a complaint has been made, copies of which must accompany the requisition, such complaint to be accompanied by affidavits to the facts constituting the offence charged by persons having actual knowledge thereof, and that a warrant has been issued, and duplicate certified copies of the same, together with the returns thereto, if any, must be furnished upon an application.

5. The official character of the officer taking the affidavits or depositions, and of the officer who issued the warrant, must be duly certified.

6. Upon the renewal of an application, — for example, on the ground that the fugitive has fled to another State, not having been found in the State on which the first was granted, — new or certified copies of papers, in conformity with the above rules, must be furnished.

7. In the case of any person who has been convicted of any crime, and escapes after conviction, or while serving his sentence,

the application may be made by the jailer, sheriff, or other officer having him in custody, and shall be accompanied by certified copies of the indictment or information, record of conviction and sentence upon which the person is held, with the affidavit of such person having him in custody, showing such escape, with the circumstances attending the same.

8. No requisition will be made for the extradition of any fugitive except in compliance with these rules.

